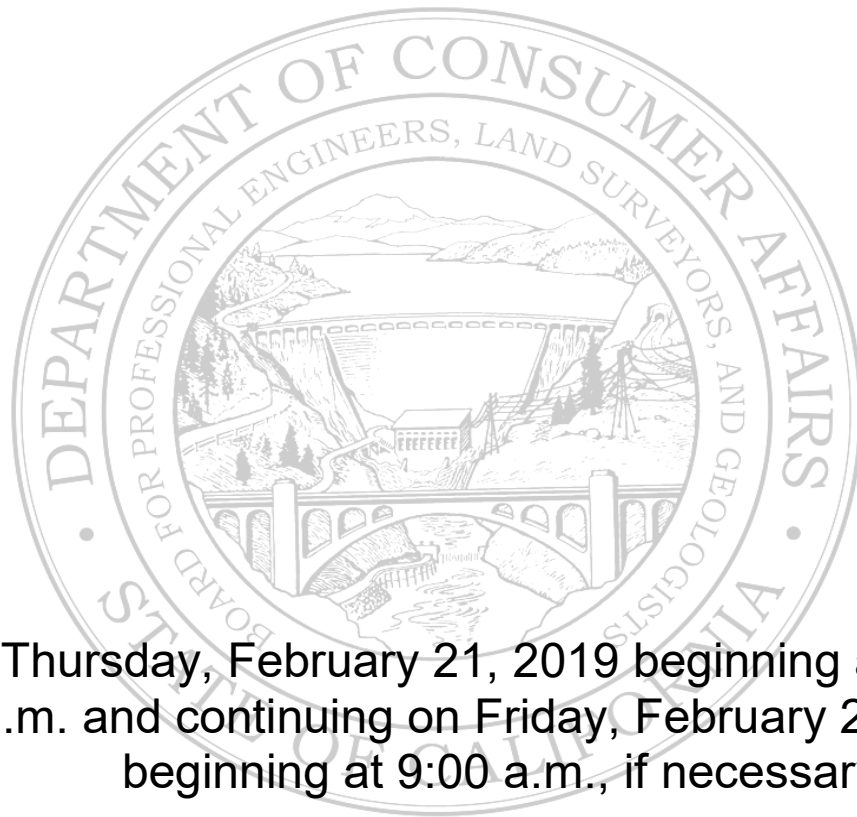




# Board for Professional Engineers, Land Surveyors, and Geologists

## Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists



Thursday, February 21, 2019 beginning at 9:00  
a.m. and continuing on Friday, February 22, 2019  
beginning at 9:00 a.m., if necessary

Department of Consumer Affairs  
1747 North Market Blvd  
Hearing Room  
Sacramento, CA 95834



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BOARD MEETING

FEBRUARY 21-22, 2019

Department of Consumer Affairs  
HQ 2 North Market Hearing Room  
1747 North Market Boulevard, #186  
Sacramento, CA 95834

### BOARD MEMBERS

Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Frank Ruffino; Jerry Silva; Robert Stockton; and Steve Wilson

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## **I. Roll Call to Establish a Quorum**

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## **II. Pledge of Allegiance**

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### **III. Public Comment for Items Not on the Agenda**

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**NOTE:** The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda. Please see the last page of this Official Notice and Agenda for additional information regarding Public Comment.



#### **IV. DCA Executive Update**

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**V. Consideration of Rulemaking Proposals**

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- A. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations § 3022, 3022.1, 3022.2, 3031 (Professional Geologist License Qualification Requirements and Professional Geophysicist License Qualification Requirements.)
- B. Proposed Amendments to Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria) and sections 418 and 3061 (Criteria for Rehabilitation) to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018) (Possible Action)



**Adopt Title 16, California Code of Regulations §3022, §3022.1 and §3022.2**  
**Amend Title 16 California Code of Regulations §3031**

The public comment period for the proposed adoption of Title 16 California Code of Regulations Sections 3022, 3022.1 and 3022.2, and to repeal and amend Title 16 California Code of Regulations 3031 has concluded. Comments were accepted from November 30, 2018 through January 14, 2019 and at the hearing held on January 22, 2019. Thirteen individuals submitted comments to the Board. Some individuals submitted multiple comments. The comments submitted fall into the following generalized categories.

- Non-substantive comments [not applicable to any particular section of the proposed rulemaking]
- Definition of a “major in geological sciences” [proposed §3022(a)(1)]
- ABET program level accreditation [proposed §3022(a)(1)]
- University level accreditation for the geophysics education in §3022.1(a)(1)
- A question regarding the level of detail specified for the Professional Geophysicist education requirements [proposed §3022.1]
- Upper division fieldwork requirement [proposed §3022(a)(2)(A)(iv)]
- Reference requirements [proposed §3022.2]

**The comments submitted do not require revision of the proposed language that was presented at the November 2018 Board meeting.**

**PROPOSED MOTION:**

The Board approve the adoption of Title 16 California Code of Regulations Sections 3022, 3022.1 and 3022.2, and to repeal and amend Title 16 California Code of Regulations 3031 and direct staff to finalize the rulemaking file for submission to the Department of Consumer Affairs and the Office of Administrative Law.

**TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS  
DEPARTMENT OF CONSUMER AFFAIRS**

Adopt California Code of Regulations, Title 16, Sections 3022, 3022.1 and 3022.2

Amend California Code of Regulations, Title 16, Section 3031.

**ARTICLE 2. APPLICATIONS**

**§3022. Professional Geologist Educational and Experience Requirements**

(a) To be eligible for the professional geologist license, an applicant shall have completed the educational requirements as set forth in either Section 7841(b)(1) or Section 7841(b)(2) of the Code, and completed at least 5 years of professional geological experience, as set forth in Section 7841(c) of the Code. To be eligible for the geologist-in-training certificate, an applicant shall have completed the educational requirements as set forth in either Section 7841.2(c)(1) or Section 7841.2(c)(2) of the Code.

(1) As described in Section 7841(b)(1) of the Code, and Section 7841.2(c)(1) of the Code, graduation from a college or university with a major in geological sciences or any other discipline relevant to geology, refers to graduation with a baccalaureate degree or higher in geology or a related geological science, from a program accredited by the Applied and Natural Science Accreditation Commission of ABET Inc., the organization defined in 16 CCR Section 404(a).

(2) As described in Section 7841(b)(2) of the Code, and Section 7841.2(c)(2) of the Code, the requirement for successfully completing 30 semester hours or 45 quarter hours, in courses that, in the opinion of the Board are relevant to geology, of which at least 24 semester hours or 36 quarter hours are upper division or graduate level, shall include the minimum coursework and concepts specified in (A) and (B) below. Additional geologic coursework necessary to meet the total 30 semester hours or 45 quarter hours requirement specified in Section 7841(b)(2) and Section 7841.2(c)(2) of the Code may be selected at the applicant's discretion but shall be relevant to geology as defined in Section 7802 of the Code. This requirement shall be fulfilled at a college or university which, at the time the applicant was enrolled, was accredited by a national or regional accrediting agency recognized by the United States Office of Education. "Life Experience Course Credit" is not acceptable.

(A) Core Geologic Concepts: Of the 30 semester hours or 45 quarter hours required by the Code, an applicant shall successfully complete a minimum of 15 semester hours or 22.5 quarter hours of core geological science courses in the following subject areas as specified:

- (i) “Earth Materials” shall include a minimum of 4 semester hours or 6 quarter hours of instruction in the identification, classification, and chemistry of minerals and rocks; their formation; the interpretation of their origins; as well as their uses and importance.
- (ii) “Structural Geology” shall include a minimum of 3 semester hours or 4.5 quarter hours of instruction in the description and analysis of structural features of rocks to reconstruct the motions and processes involved in the build up and deformation of the Earth’s crust from small to large scales. It shall also include the interpretation of brittle and ductile strain, the fundamentals of plate tectonics, and the analysis of local and regional geologic structure.
- (iii) “Stratigraphy and Sedimentation” shall include a minimum of 3 semester hours or 4.5 quarter hours of instruction in the identification and interpretation of sedimentary rocks, sedimentary processes and structures, application of stratigraphic and dating methods, identifying the impact of climate and geologic processes on depositional patterns, and facies analysis.
- (iv) “Upper-Division Field Geology” shall include a minimum of 5 semester hours or 7.5 quarter hours of field training designed to demonstrate a progression of field investigation skills culminating in a final project or integrative field experience that is based on the knowledge and skills acquired in earlier geological science courses. This shall include instruction in the geological techniques or methods needed to measure, map, evaluate and communicate geologic data; and the ability to plan and conduct geological investigations based upon existing sources of geologic information. This shall include preparing and interpreting geologic maps, cross-sections, stratigraphic columns, and written reports. The field training may be obtained in one or more separate upper division field courses, but shall not be introductory in nature or be part of laboratory exercises for other geological science courses. Academic

instruction in field methods such as geophysical techniques, logging trenches or borings, designing wells, and other common professional geologic tasks may serve as a component of the Upper-Division Field Geology requirement described in this section so long as it is part of an established field techniques course taught within a college or university geology or related geological sciences program.

(B) Applied Upper-Division Geology Coursework: Of the 24 semester hours or 36 quarter hours of upper division or graduate coursework required by the Code, an applicant shall successfully complete a minimum of 6 semester hours or 9 quarter hours from a combination of at least 2 of the following subject areas.

- (i) “Geomorphology” shall include instruction in the classification, origin, and analysis of landforms and watershed elements as well as the surface and tectonic processes that relate landforms to the underlying geologic materials. This shall include methods of geomorphic analysis and interpretation of different types of mapped data, including topographic, geologic, and remotely sensed data.
- (ii) “Engineering Geology” shall include instruction in that branch of geology as defined in Section 3003(b) of Title 16, California Code of Regulations. This shall include instruction in those skills necessary to demonstrate knowledge and abilities as described in Section 3041(a)(2).
- (iii) “Hydrogeology” shall include instruction in that branch of geology as defined in Section 3003(h) of Title 16, California Code of Regulations. This shall include instruction in those skills necessary to demonstrate knowledge and abilities as described in Section 3042(b)(2).
- (iv) “California Geology” shall include the instruction necessary to demonstrate knowledge of the seismicity and geology unique to the State of California, and the state laws, rules and regulations unique to the practice of geology in this state as described in Section 7841(d) of the Code.
- (v) “Paleontology” shall include instruction necessary to recognize common fossils and fossil types, the geologic settings that would indicate the potential for paleontological resources, and the evolutionary history of fossil groups of

traditional importance to geologists. Other topics may include basic modes of preservation, skeletal anatomy, systematics and taxonomy, biostratigraphy, paleoecology, and paleobiogeography.

- (vi) “Resources Geology” shall include the instruction needed to identify the origin, occurrence, and distribution of non-renewable resources, including metallic, nonmetallic, and energy-producing materials; problems related to resource extraction; estimations and limitations of reserves; and reclaiming sites after extraction of resources.
- (vii) “Environmental Geology” shall include an introduction to concepts involved in environmental site assessment and remediation, environmental geochemistry, and the mitigation of potentially negative effects of human activities such as exploration for mineral and energy resources, or solid and hazardous waste disposal on geologic systems, as well as the protection of water resources, land and watershed restoration.
- (viii) “Geophysics” shall include instruction in that branch of geology defined in Section 7802.1 of the Code and Section 3003(e) of Title 16, California Code of Regulations.
- (ix) “Technology Applications in Geology” encompasses a wide range of technology related instruction that includes an emphasis on applications to geologic investigations. These subjects may include, but are not limited to, instruction in the use of Geographic Information Systems (GIS), computer modeling of groundwater flow or other geologic processes, signal processing or numerical methods of data analysis. Instruction without a specific and demonstrable geologic application will not qualify. A maximum of 3 semester hours or 4.5 quarter hours would be accepted in this subject area.
- (x) “Applied geoscience topics taught by a college or university department other than a geology or related geological sciences department” refers to instruction in subject areas with a reasonable and rational application to the professional practice of geology. These courses are limited to the topics of geological engineering, geotechnical engineering, mining engineering, petroleum engineering, soil science, engineering soil mechanics, or hydrology. A

maximum of 3 semester hours or 4.5 quarter hours taught in a college or university department other than a geology or related geological sciences department would be accepted in this subject area.

(3) Independent study, research projects, theses or dissertations may be used to satisfy the upper-division coursework requirements defined in (A) or (B) if it can be documented as meeting the requirements of one or more of the courses specified in (A) or (B) above. Courses that combine subjects or skill sets, that can be documented as meeting the requirements described in (A) or (B) above, may be accepted at the Board's discretion.

(4) Workshops, professional development seminars, conferences, non-credit certificate programs, student internships, or reading courses may not be used to satisfy the requirements described in Section 3022(a)(2). For the purposes of this section, a reading course is defined as a course not normally offered as part of the curriculum that is conducted as a tutorial or remedial course.

(5) It shall be the applicant's responsibility to demonstrate that his or her academic instruction meets the requirements of the Board. The applicant shall provide official sealed transcripts, and any other reasonable and necessary supporting evidence, when requested by the Board, to document successful completion of all educational requirements.

(b) Professional geological experience for licensure as a geologist is that experience that has been gained while performing professional geologic tasks under the responsible charge of a person who in the opinion of the Board has the training and experience to have responsible charge of geological work.

(1) For the purposes of this section, a person will be deemed to have the training and experience to have responsible charge of geological work if they meet any one of the following:

(A) holds licensure as a Professional Geologist;

(B) holds licensure as a Professional Geophysicist;

(C) is licensed as a Civil Engineer or a Petroleum Engineer practicing geology within the exemption described in Section 7838 of the Code and who presents to the Board documented evidence that the reference has the training and experience in the area of geology in which the applicant's experience is earned sufficient to qualify the reference to have responsible charge of geologic work; or



(D) is legally authorized to practice geology in a situation or locale where the reference is not required to be licensed and who presents to the Board documented evidence that the reference has the training and experience in the area of geology in which the applicant's experience is earned sufficient to qualify the reference to have responsible charge of geological work.

(2) Professional geological experience shall be computed on an actual time worked basis not to exceed 40 hours per week.

(3) An applicant for licensure as a professional geologist shall be granted credit for professional geological experience, up to a combined maximum of 3 years, for the following education:

(A) A maximum of two (2) years professional geological experience credit for graduation with a baccalaureate degree in geology or a related geological science, from a program accredited by the Applied Science Accreditation Commission of ABET Inc. as described in Section 3022(a)(1), or for the completion of the 30 semester hours or 45 quarter hours of geological sciences courses as described in Section 3022(a)(2).

(B) One (1) year of professional geological experience credit for one year of graduate study or research in the geologic sciences. One (1) year of graduate study or research is defined as a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Full-time graduate study is defined as 2 semesters per year of 8 semester hours each (12 quarter hours), or as defined by the college or university, whichever is less.

(C) Part-time graduate study or research, and part-time professional geological work experience will be prorated and combined on a 12 calendar month basis. No credit will be given for professional geological work experience performed during the same time period when full-time graduate study or research is being done for which educational credit is being allowed.

(4) An applicant shall not be eligible to earn credit for professional geological experience as defined in Section 7841(c) of the Code until the applicant has completed the educational requirements set forth in Section 7841(b) of the Code.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.2, and 7842, Business and Professions Code.

### **§3022.1 Professional Geophysicist Educational and Experience Requirements**

(a) To be eligible for the professional geophysicist license, an applicant shall have completed the educational requirements set forth in Section 7841.1(b) of the Code, and at least 7 years of professional geophysical work, as set forth in Section 7841.1(c) of the Code.

(1) An applicant for licensure as a professional geophysicist will be granted credit towards the educational requirements, as specified in Section 7841.1(b) of the Code, fulfilled at a college or university which, at the time the applicant was enrolled, was accredited by a national or regional accrediting agency recognized by the United States Office of Education. "Life Experience Course Credit" is not acceptable to satisfy the requirements of Section 7841.1(b) of the Code.

(b) Professional geophysical work for geophysics licensure is that experience that has been gained while performing professional geophysical work under the responsible charge of a licensed Professional Geophysicist, or in responsible charge of professional geophysical work, as specified in Section 7841.1(c) of the Code.

(1) Professional geophysical work shall be computed on an actual time worked basis not to exceed 40 hours per week.

(2) An applicant for licensure as a professional geophysicist shall be granted credit for professional geophysical work, up to a combined maximum of four years, for the following education:

(A) One-half year of work credit for each year of full time undergraduate study in the geophysical sciences up to a maximum of two years. A year of undergraduate study or research is defined as a 12 calendar month period during which the candidate is enrolled in a full-time undergraduate program as defined by the college or university.

(B) One year of work credit for one year of graduate study or research in the geophysical sciences. A year of graduate study or research is defined as a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Full-time graduate study is defined as 2 semesters per year of 8 semester hours each (12 quarter hours), or as defined by the college or university, whichever is less.

(C) Part-time graduate study or research, and part-time professional geophysical work experience will be prorated and combined on a 12 calendar month basis. No credit will be given for professional geophysical work experience performed during the same time period when full-time graduate study or research is being done for which educational credit is being allowed.

(3) An applicant shall not be eligible to earn credit for professional geophysical work performed under the supervision of a Professional Geophysicist until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841.1 of the Code.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Section 7841.1 and 7842.1, Business and Professions Code.

### **§3022.2 Reference Requirements: Professional Geologist and Professional Geophysicist**

(a) To assist the Board in evaluating an applicant's qualifications, each applicant for licensure as a professional geologist or as a professional geophysicist shall submit documentation from a minimum of 3 references who in the opinion of the Board have the training and experience to have responsible charge of geological work as defined in Section 3022(b)(1) or geophysical work as defined in Section 3022.1(b), respectively.

(1) None of the references can be related to the applicant by blood, marriage, registration as domestic partners, or adoption.

(2) Documentation submitted to the Board by a reference shall be the original copy with an original signature and seal on every page of the documentation submitted. Photocopies, scanned copies, and electronic signatures are not acceptable.

(3) The documentation shall include the following information:

(A) The reference shall state that they have personal knowledge of the applicant's qualifying experience in a responsible position as defined in section 3003(c), and shall clearly indicate the nature of their relationship with the applicant;

(B) The reference shall clearly indicate the number of months they can qualify the applicant as having completed professional geological work as defined in Section 3003(d) or professional geophysical work as defined in Section 3003(e);

(C) The reference shall document how they computed the number of months of qualifying work experience using the definition of full time work provided in Sections 3022(b)(2) and 3022.1(b)(1);

(D) The reference shall provide a detailed, complete and accurate description of the qualifying professional geologic experience or professional geophysical work completed by the applicant;

(E) The work experience description shall cover the time period being documented as qualifying experience by the reference;

(F) The reference shall use the appropriate scientific terms in describing the work, while avoiding colloquialisms, industry jargon, and slang; and,

(G) The reference shall include the following statement:

I certify under penalty of perjury that these statements are true and correct to the best of my knowledge.

(4) Nothing contained in this section shall limit the authority of the Board to require that an applicant submit additional references, employment verifications, or any other information pertinent to the applicant's education and/or experience to verify that the applicant meets the minimum qualifications for a professional geologist license as defined in Section 7841 of the Code, or the minimum qualifications for a professional geophysicist license as defined in Section 7841.1 of the Code.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841 and 7841.1, Business and Professions Code.

### ARTICLE 3. EXAMINATIONS

#### **§3031 Examination Required. Examination Credit: Professional Geologist, Professional Geophysicist and Specialty Certification.**

~~(a) Every applicant for registration as a geologist shall be required to take and pass examinations as provided in Section 7841(d) of the code or every applicant for registration as a geophysicist, or every applicant for certification in any specialty, shall be required to take and pass an examination as prescribed by the board except as provided in Section 7847 of the code.~~

~~(b) To be eligible for the geological examination, an applicant shall have completed at least five years of educational and work experience in professional geological work, as set forth in subdivisions (b) and (c) of Section 7841 of the code.~~

~~————— (1) Graduate study or research in geological sciences at a school or university whose geological curricula meet criteria established by rules of the board, shall be counted on a year for year basis in computing the experience requirements specified in Section 7841 of the code. A year~~

~~of graduate study or research is defined as being a 12 calendar month period during which the candidate is enrolled in a full time program of graduate study or research. Shorter periods will be prorated.~~

~~————— (2) An applicant shall not be eligible to earn credit for professional geological work performed under the supervision of a professional geologist or registered civil or petroleum engineer until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841 of the code.~~

~~————— (3) In no case will credit be given for professional geological work experience performed during the same time period when full-time graduate study or research is being done for which educational experience credit is being allowed. Part-time graduate study or research and part-time professional geological work experience will be prorated and combined on a 12 calendar month basis.~~

~~————— (c) To be eligible for the geophysical examination, an applicant shall have completed at least seven years of educational and work experience in professional geophysical work, as set forth in subdivisions (b) and (c) of Section 7841.1 of the code.~~

~~————— (1) Graduate study or research in geophysical related sciences at a school or university whose geophysical curricula meet criteria established by rules of the board, shall be counted on a year for year basis in computing the experience requirements specified in Section 7841.1 of the code. A year of graduate study or research is defined as being a 12 calendar month period during which the candidate is enrolled in a full time program of graduate study or research. Shorter periods will be prorated.~~

~~————— (2) An applicant shall not be eligible to earn credit for professional geophysical work performed under the supervision of a professional geophysicist until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841.1 of the code.~~

~~————— (3) In no case will credit be given for professional geophysical work experience performed during the same time period when full-time graduate study or research is being done for which educational experience credit is being allowed. Part-time graduate study or research and part-time professional geophysical work experience will be prorated and combined on a 12 calendar month basis.~~

~~————— (d) Every applicant for registration as a geologist who obtains a passing score determined by a recognized criterion referenced method of establishing the pass point in the California~~

~~examination shall be deemed to have passed the California examination. Such a passing score may vary moderately with changes in test composition. This subsection shall become effective on December 1, 1998, and shall be repealed on December 31, 1999.~~

~~(e)~~ (a) Each applicant for ~~registration~~ licensure as a geologist who obtains a passing score on the Fundamentals of Geology and Practice of Geology examinations created by the National Association of State Boards of Geology on or after November 1, 1996 and obtains a passing score as determined by a recognized criterion-referenced method of establishing the pass point in the California specific examination pursuant to Section 7841(d) shall be deemed to have passed the required examinations for licensure as a professional geologist in California. ~~This subsection shall become effective on January 1, 2000.~~

(1) Candidates shall receive credit for obtaining a passing score on the Fundamentals of Geology examination, the Practice of Geology examination, and the California specific examination and shall be required to submit an application to retake and pass only those examinations previously failed.

~~(f)~~ (b) Every applicant for ~~registration~~ licensure as a geophysicist or for certification in any specialty, who obtains a passing score determined by a recognized criterion-reference method of establishing the pass point in the California examination shall be deemed to have passed the California examination. Such a passing score may vary moderately with changes in test composition.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841 ~~and~~, 7841.1, 7841.2, 7842 and 7842.1, Business and Professions Code.

**Adopt Title 16, California Code of Regulations §3022, §3022.1 and §3022.2**  
**Amend Title 16 California Code of Regulations §3031**

**RESPONSE TO COMMENTS**

The full text of the comments received are included in a table at the end of this response to comments document. The following is a summary of comments received, as well as the proposed response.

**Non-Substantive Comments (Comments 2 and 3)**

In comment 2, the California Council of Geoscience Organizations (CCGO) notified Board staff that they had posted a link to the rulemaking notice on their webpage. In comment 3, the Board was notified of a typographical error in the table listing the California Universities and Degrees Reviewed included in the Initial Statement of Reasons.

**Response to Comment 2:**

This comment provides no specific opinion either for or against any portion of the proposed regulatory action and does not require a response. However, the Board appreciates the assistance from CCGO in advertising the rulemaking notice in order to reach as many stakeholders as possible.

**Response to Comment 3:**

The table in the Initial Statement of Reasons listing the California Universities and Degrees Reviewed incorrectly notes that CSU Long Beach offers a BA degree in Earth Science. This is a typographical error. CSU Long Beach offers a BS degree in Earth Science.

**Definition of a “major in geological sciences” (Comments 5.1, 5.2, and 5.3)**

These comments pertain to §3022(a)(1). One commenter submitted three related comments focused on the proposed clarification of the statutory requirement in BPC §7841(b)(1) and BPC §7841.2(c)(1) of “*Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology*”. A response to each of the three comments is provided as follows. The commenter questions whether a community college degree should be acceptable for licensure, and indicates that they believe the Board’s logic specifying a baccalaureate degree is invalid. The commenter also implies that Board staff reviewing college and university transcripts to evaluate an applicant’s education is unnecessary and suggests two options for increasing the efficiency of the Board’s review of applications: 1) Board accreditation of degrees, 2) a questionnaire for college and university geological sciences departments.

The proposed regulatory language will not be revised as a result of comments 5.1, 5.2 or 5.3.

**Response to Comment 5.1:**

The commenter requested specific information about rejection of applications submitted by persons with only a two-year community college degree. Based upon available documentation, the Board has not appeared before an administrative law judge for an application submitted by a person with a two-year college degree. The commenter appears to be concluding that the Board has faced an administrative appeal situation involving a 2-year community college degree from the text included in the Initial Statement of Reasons (ISR) at the bottom of page 1 and top of page 2 regarding the submittal of license applications by unqualified persons. This is not correct. This paragraph discusses two types of applications that have been denied by the Board: 1) two-year community

college degrees, and 2) degrees not related to the practice of geology. The license denial appeals have involved persons with degrees not related to the practice of geology.

Response to Comment 5.2:

The commenter is suggesting that a community college degree is the first post-secondary degree acceptable for licensure, and that the Board's logic specifying a baccalaureate degree is invalid.

Adoption of 16 CCR §3022(a)(1) is intended to clarify in regulation the following phrase that appears twice in the enabling statute [The Geologist and Geophysicist Act, Business and Professions Code (BPC) §7841(b)(1) and §7841.2(c)(1)].

*"Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology."*

The commenter makes the argument that a two-year community college associate degree is the first post-secondary degree available at an accredited college and questions how the two-year community college degree fits into the amendments.

The requirement in the Geologist and Geophysicist Act is for a graduation from a college or university. The language in the statute does not include graduation from a community college as an allowable option. As stated in the Initial Statement of Reasons (ISR) the first post-secondary degree commonly available from a college or university (as opposed to a community college) is a baccalaureate or bachelor's degree. The bachelor degree has requirements for breadth as well as depth of study, and meets or exceeds the minimum semester hours specified in the alternative qualification pathway described in the law §7841(b)(2) and §7841.2 (c)(2) ensuring all applicants are held to an equivalent minimum standard. An associate degree from a community college does not have the equivalent depth or breadth of study as compared to a baccalaureate degree from a 4-year college or university. Acceptance of an associate degree from a community college would result in allowing some applicants to meet a lesser educational standard.

The Board recognizes the value and educational contributions of community colleges. Historically, institutions within the California Community College System have offered only lower division courses and two-year associate degrees or associate degrees for transfer. In 2014, then Governor Jerry Brown signed Senate Bill 850 which allows California's Community Colleges to establish a baccalaureate degree pilot program at 15 community colleges. The community college pilot program does not include a geological sciences or other degree relevant to geology. However, in the future, should accredited community colleges offer baccalaureate degrees or upper division coursework meeting the requirements of the proposed regulation, the proposed regulation would allow the Board to accept such education.



### Response to Comment 5.3:

The commenter implies that Board staff reviewing college and university transcripts to evaluate an applicant's education is unnecessary and suggests two options for increasing the efficiency of the Board's review of applications: 1) Board accreditation of degrees, 2) a questionnaire for college and university geological sciences departments.

The Board does not have the authority or resources to accredit college or university geological science degrees or programs. However, the Board does agree with the commenter that accreditation of college or university geological sciences programs is an efficient and effective method of evaluating an applicant's education for licensure that would reduce the amount of review required by Board staff. As part of this rulemaking, the Board is proposing to specify that one option for fulfilling the education requirement for licensure is graduation from a program accredited by the Applied and Natural Science Accreditation Commission of ABET Inc. For college or university degrees not accredited by ABET Inc., Board staff will continue to review transcripts to determine if the applicant's education meets the requirements stated in law and regulation.

The commenter also suggests that the Board request college and university geological sciences departments complete a questionnaire as individual applications are received, resulting in a library or database of questionnaires as a form of accreditation. This suggestion does not take into account the fluid nature of college and university degrees. For example, the average number of geology semester hours required for a BS geology degree from California colleges and universities was 55 in 1998. In 2015, the average number of geology semester hours required for a BS degree from California colleges and universities was 45. This is an 18% decrease in required geology coursework as expressed in semester hours. Additionally, colleges and universities periodically reevaluate and revise their curricula. The suggested database or library would require constant updates and maintenance resulting in a net increase in cost and workload of Board staff.

### **ABET accreditation (comments 7, 8, 9, 10, 11, 12, and 13.1)**

These comments pertain to §3022(a)(1). The comments received are summarized as follows:

- A question regarding whether the Board conducted outreach to colleges and universities regarding the ABET option for qualifying education (comment 8).
- Observations that a ABET accreditation of geological science programs is not widespread (comment 7, 9, 11, 12, 13.1).
- Statements indicating the commenter does not understand or does not believe that two educational options are specified in the law and that the proposed regulation addresses each of the two options individually (comment 9, 11, 12, 13.1). There was one additional comment recognizing that the existing law as well as the proposed regulation provide two pathways for qualifying education for licensure (comment 10).
- Opposition to ABET accreditation of college and university geological sciences programs, and suspicion that the "engineer's board" is trying to force ABET accreditation on geology programs (comment 9, 11, 12, 13.1)

The proposed regulatory language will not be revised as a result of comments 7, 8, 9, 10, 11, 12, and 13.1.

Response to comment 8 (Board outreach to colleges and universities)

The Board conducted extensive pre-rulemaking outreach to all stakeholders. A list of specific pre-rulemaking outreach activities is included in the Initial Statement of Reasons starting on page 36.

Response to comments 7, 9, 11, 12, and 13.1 (ABET accreditation of geological science programs is not widespread)

The Board acknowledges that program level accreditation of geological science programs is in its infancy. It is unknown when more geological or geophysical sciences programs are accredited by a nationally-recognized organization such that it becomes a viable vehicle for the Board to consider solely program level accredited programs for educational criteria. However, it is starting to occur.

According to the American Geosciences Institute (2013) final report on academic geoscience program classification, there are only two entities providing program level accreditation of geoscience programs: ABET Inc., and the Geological Society of London (GSL). This report is listed in the materials relied upon section of the Initial Statement of Reasons. No geoscience programs in the U.S. have obtained GSL accreditation. However, one program in the U.S. has completed the ABET Inc. accreditation process. Therefore, for the purposes of providing guidance regarding the requirements of §7841(b)(1) and §7841.2(c)(1) of the law, the proposed regulation §3022(a)(1) specified ABET accreditation over the only other available option of GSL accreditation. Additionally, the option for an ABET accredited degree will promote consistency with the approved curriculum requirements that the Board imposes on engineers and land surveyors.

Response to comments 9, 10, 11, 12, and 13.1 (two educational options specified in law)

Several commenters expressed concerns indicating that it was their belief or impression that the ABET accredited degree proposed in the regulation would be the only acceptable education for geology licensure. This is incorrect as the statute provides for two educational options. One of the comments (number 10) recognized the two educational options. Additionally, some of the comments reflect a misunderstanding regarding the relationship between a law and a regulation.

The Geologist and Geophysicist Act (aka the law) is statutory law enacted by the legislature and is codified in Business and Professions Code §§7800-7887. Administrative agencies such as the Board, adopt, amend and repeal regulations in order to clarify and make specific statutory provisions under the authority granted to them by either constitutional provisions or statutes. The Board is proposing this regulation using the authority granted by the legislature in the Geologist and Geophysicist Act. The law specifies two separate options for qualifying education for licensure in §7841(b)(1) or §7841(b)(2) as follows (note: emphasis added).

*(b) Meet **either** of the following educational requirements fulfilled at a school or university whose curricula meet criteria established by rules of the board:*

*(1) Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.*

*(2) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.*

The educational requirements for a Geologist-In-Training certificate (as a preliminary step towards licensure) described in §7841.2(c)(1) and §7841.2(c)(2) are identical.

The Board's proposed regulation must specify how the Board intends to implement each separate educational option [both §7841(b)(1) and §7841.2(c)(1), or §7841(b)(2) and §7841.2(c)(2)] defined in the law. The Board's proposed regulation must be consistent with the law. The regulation process does not change the law.

The proposed regulation provides two separate options for qualifying education. Proposed regulation §3022(a)(1) to address the requirements described in §7841(b)(1) and §7841.2(c)(1) of the law, and proposed regulation section §3022(a)(2) to address the requirements described in §7841(b)(2) and §7841.2(c)(2) of the law.

Response to comments 9, 11, 12, and 13.1 (general opposition to ABET accreditation and the perception that the Board is forcing ABET accreditation on geology programs)

This group of comments is reflective of the ongoing discussion within the geologic community on the subject of program level (vs. institutional level) accreditation. Based on the research conducted for the development of this regulation, and the pre-rulemaking outreach to stakeholders, the Board anticipated receiving comments in opposition to the program level accreditation option.

As stated previously, there are two educational options provided in the law. The Board's proposed regulation must specify how the Board intends to implement each separate educational option [both §7841(b)(1) and §7841.2(c)(1), or §7841(b)(2) and §7841.2(c)(2)] defined in the law. The proposed regulation provides two separate options for qualifying education for licensure based on the law. The proposed regulation does not force any college or university geoscience department to obtain ABET accreditation.

While program level accreditation for geoscience programs is in its infancy, specifying an option for program level accreditation in the regulation allows the Board the same options for evaluating education for a geologist license application that are allowed for evaluating the education component of applications for licensing engineers and land surveyors. The Board's current engineering and land surveying license applicants include those that have no post-secondary education (experience only pathway), an ABET accredited degree, or non-ABET accredited education. While the law does not provide an experience only pathway for geologists, it is anticipated that future geology license applicants will include both persons with program level ABET accredited education, and persons with non-ABET accredited education.

As part of the general opposition to ABET program level accreditation as one option for qualifying education for geology licensure, comment 12 provided links to a Geological Society of America webpage regarding accreditation issues that includes articles such as Bralower et. al 2008 which were reviewed as part of the research completed for this rulemaking and listed in the materials relied upon section of the Initial Statement of Reasons. Comment 13.1 also focused on general opposition to ABET program level accreditation stating that academic programs should be left to judge the appropriateness of accreditation.

The Board agrees that individual geoscience academic programs should be responsible for determining whether program level accreditation is appropriate for their departments. This regulation does not require geoscience academic programs to obtain ABET accreditation. The Board does not have the authority to require that college or university level geological science programs utilize program level accreditation. However, the Board is charged

with protecting the public by licensing geologists. The legislature requires that the Board review an applicant's education as part of that process. The requirements for a geological sciences degree are inconsistent and varied both within California, within the U.S., and internationally which makes it difficult to evaluate the qualifications of individual applicants in a consistent and fair manner.

The American Geosciences Institute (AGI) is a nonprofit federation of over 50 geoscientific and professional organizations (including the Geological Society of America referenced in comment 12). AGI was founded in 1948 under a directive of the National Academy of Sciences. In response to the ongoing discussion of accreditation of academic geoscience programs, the AGI facilitated a discussion regarding program level accreditation AGI (2013) amongst its member societies. The AGI report on this effort was reviewed as part of the research conducted for this rulemaking, and is listed in the materials relied upon section of the Initial Statement of Reasons. The AGI identified three potential pathways to address certification of geoscience education. These three pathways or options include:

1. Program level accreditation through external organizations such as ABET or GSL,
2. Classification which is a set of guidelines defining knowledge and skills for a specific outcome, and
3. Competency based "badging" where a student's collects recognition of specific knowledge and skills as part of their education.

The Board's proposed regulation includes two of the three pathways identified by AGI: program level accreditation [§3022(a)(1)] and classification [§3022(a)(2)]. Competency based "badging" as described by AGI is outside of the Board's authority, and even if possible, would require additional resources for the Board to implement.

As written, the proposed regulation will give the Board the improved flexibility necessary to accommodate the many forms of postsecondary program curricula around the state, throughout the U.S. and internationally. It will allow for future standardized accreditation by organizations such as ABET that provide program level accreditation nationally and internationally. It will also streamline the application review/approval process at the Board by defining the knowledge and skills required for the specific outcome of professional licensure, providing a more a more consistent understanding of the education criteria required for those seeking a geology license in California.

#### **University level accreditation for the geophysics education (comment 13.2)**

This comment pertains to §3022.1(a)(1). Comment 13.2 indicates that the commenter believes that the Board is proposing ABET or other program level accreditation of geophysics degrees §7841.1(b)(1) or for the coursework described in §7841.1(b)(2).

The proposed regulatory language will not be revised as a result of this comment.

#### **Response to comment 13.2**

The commenter appears to be misreading the text of the proposed regulation. The proposed regulation does not include ABET or any other program level accreditation as a requirement for a geophysics education in order to qualify for licensure.

As the comment states, there is no program level (ABET) accreditation option for geophysics education. Therefore, the proposed regulation specifies college or university level (i.e. institutional level) accreditation for a qualifying geophysics education under §7841.1 of the law.

**The level of detail specified for the Professional Geophysicist education requirements (comment 6)**

This comment asks why the education requirements for the Professional Geophysicist were not spelled out in the same level of detail as was dedicated to the Professional Geologist license education requirements. The comment refers to §3022.1 of the proposed regulation.

The proposed regulatory language will not be revised as a result of this comment.

**Response to comment 6**

The Board did attempt to conduct equivalent research to more clearly define the education requirements for the geophysicist license.

In most educational programs, geophysics is considered a sub-discipline of geology and there are far fewer undergraduate degrees available specific to geophysics to use as an educational model. Academic research (i.e. published papers) applicable to developing education requirements for geophysics licensure is also less available as compared to geology.

Additionally, most states incorporate the practice of geophysics into their geology license. This means that occupational data specific to geophysics is less available (buried in the data for geologists in general). Only two states currently license geophysics as a separate discipline. Board review of the two geophysics licenses indicates that the geophysics profession in each of these two states is significantly different (oilfield exploration vs. environmental/engineering geophysics) which complicates the use of the limited occupational data available specific to geophysics in order to develop educational criteria for licensure.

The difficulties encountered in obtaining information sufficient to reach a consensus on specific courses for geophysics licensure requirements made it impractical for the Board to proceed with such an effort at this time.

**Upper division fieldwork requirement (comment 1)**

These comments pertain to §3022.2(a)(2)(A)(iv). The commenter stated that they believe that the requirement for an upper division field geology course should be amended to allow lower division field courses and/or fieldwork related work experience.

The proposed regulatory language will not be revised as a result of this comment.

**Response to comment 1**

The proposed regulation §3022.2(a)(2)(A) lists four core subject areas that would be required for applicants qualifying for licensure under the option provided for in §7841(b)(2) of the law. One of these four core subject areas is upper division field geology which is the subject of the comment.

Upper division coursework is generally defined as advanced junior or senior level courses which require the application of knowledge that was learned in previously completed introductory courses. Lower division courses

are introductory in nature and do not have the component of applying knowledge and skills learned in earlier courses. The geologist license education requirements described in §7841(b)(2) of the law specify that 24 of the 30 semester hours of geologic coursework required under this option shall be in upper division or graduate classes. This mandates that the majority of coursework required for licensure shall be more advanced courses requiring the application of knowledge learned in earlier coursework.

Additionally, the Board conducted extensive research (listed in the materials relied upon section of the Initial Statement of Reasons) into what skills are necessary for a Professional Geology license. The research included the content and credit values of existing college and university curricula, occupational surveys of the geology profession, and published academic research on the role of field geology education. The overwhelming conclusion drawn from these varied sources is that separate upper division geologic field coursework is of critical importance to minimum competency.

The commenter also suggested that the Board allow for substitution of fieldwork related work experience for the upper division field coursework specified in the proposed regulation. The substitution of work experience for education is not an allowable option under §7841 of the law.

#### **Reference requirements (comments 4, 5.4, and 14)**

Comments 4, 5.4, and 14 are regarding §3022.2(a) of the proposed regulation. The commenters questioned the reason for applicants being required to submit three references. One commenter was specifically concerned about requiring an applicant for a geophysics license to have three licensed geophysicists provide references [applies to both §3022.2(a) and §3022.1(a)(1)]. One comment expressed general concern about §3022.2(a) without specifically citing the requirement for 3 references.

The proposed regulatory language will not be revised as a result of these comments.

#### **Response to comments 4, 5.4, and 14 (three references)**

The Geologist and Geophysicist Ace requires that applicants for the Professional Geologist license (§7841) and the Professional Geophysicist license (§7841.1) demonstrate that they have the required experience for licensure.

Based on a review of historical license applications from the beginning of geology and geophysics licensure until the year 2000, the former Board of Registration for Geologists and Geophysicists (BRGG) required three references for both geology and geophysics license applications. In situations where an applicant worked under one responsible charge licensee for the required amount of work experience, the two additional references did not have to be “responsible charge” references. Similar to the title authority specialty applications, the additional references were peer, regulator or employer references familiar with the applicant’s work.

Beginning in 2000 until the present day, the former BRGG and now the Board, have required a minimum of one responsible charge reference, or as many responsible charge references as necessary to document the required work experience for the practice authority geology and geophysics licenses. The Board has not located documentation to indicate why the former BRGG made this change. It is likely that the change was made because the existing law and regulations do not specify the number of references required for the PG and PGP licenses. However, the sections of the existing regulations for the title authority specialties of engineering geology (§3041) and hydrogeology (§3042) require applicants to submit three references. Requiring three references for the

practice authority geology and geophysics licenses will promote consistency with the requirements for the geologic title authority specialty licenses.

Response to comment 4 (general concerns)

One comment expressed general concern about §3022.2(a) without describing any specific issue and questioned “why and where this came from”. This comment does not give the Board sufficient information to respond to any specific issue. As to “why and where this came from”, as described in the Initial Statement of Reasons, the Board is proposing to clarify in regulation the documentation requirements for references who verify the work experience needed by applicants to qualify for licensure. Adding §3022.2 addresses oversights in the original regulatory language that cause confusion for references regarding what information is required to be provided to document an applicant’s work experience.

Response to comment 14 (reference requirements for the geophysics license)

This comment applies to both §3022.2(a) and §3022.1(a)(1). The commenter is concerned that the reference requirements for geophysicists are not attainable, and asks whether the three references need to be [licensed] geophysicists.

Section 7841.1(c) of the Geologist and Geophysicist Act (law) describes the work experience requirements for geophysics licensure. Similar to the geology title authority specialties, there are two options for qualifying work experience for the Professional Geophysicist (PGP) license. To qualify for the PGP, an applicant must have at least seven total years of professional geophysical work experience that shall include either:

- three years of professional geophysical work under the supervision of a licensed Professional Geophysicist, or
- a minimum of five years in responsible charge of professional geophysical work.

One option for geophysics license applicants is qualifying by working three years under the supervision of a licensed Professional Geophysicist. As the commenter notes, the Board recognizes that only two states license geophysicists under a separate practice authority license resulting in a limited number of licensees available to be in responsible charge of an applicant’s work. However, the proposed regulation is consistent with the law on this issue. In situations where an applicant worked under one responsible charge licensee for the required amount of work experience, the Board would accept two additional non-responsible charge references who have the training and experience sufficient to verify the applicant’s qualifying experience.

The second option to qualify for the geophysics license is for applicants to have “five years in responsible charge of professional geophysical work”. Under this option an applicant must document that they have been in responsible charge of and practicing geophysics legally in the jurisdiction in which the work was done for five years. For example, in California, this could be a geologist performing geophysical work related to their practice of geology. In this example, the Board would accept non-responsible charge references who have the training and experience sufficient to verify the applicant’s qualifying experience.

## COMMENTS RECEIVED

Comment Number	Received	Comment
1	Katie Gilman 11/30/2018	Concerned with the field work requirement. Regulation requires upper division geology fieldwork. Wants to amend the fieldwork requirement to lower division courses or work related fieldwork.
2	James A. Jacobs 11/30/2018	I posted it on the CCGO (www.ccco.org website).
3	Richard J. Behl 12/4/2018	I noticed that your table "California Universities and Degrees Reviewed (September 2015)" is incorrect for us. We [CSU Long Beach] have two undergraduate degrees Earth Science and Geology, but both are B.S. degrees (not B.A.'s).
4	Judy Wolen 12/4/2018	I have heard from others that have concerns with the language in section 3022.2 (a), and they are also interested knowing why and where this came from. If you can clarify that would be great. I have heard from members of AEG that are concerned with the Language"
5.1	Jeffrey R. Knott 12/5/2018	1. In the last 10 years, how many times has the Board had to go before an administrative law judge for a hearing related to an application submitted by a person with a two-year college degree?
5.2		2. As I understand the proposed modification, the language will now include "graduation...with a major in geological sciences" because "the first post-secondary degree commonly available at a college or university is the baccalaureate or bachelor's degree". I think the supporting statement is invalid. Many community colleges in California award the Associate of Science degree in Earth Science or related field. Where does this first post-secondary degree available at an accredited college fit into the amendments?
5.3		3. In Ms. Racca's presentations, she has made a particular point that she is reviewing individual transcripts and the amendments imply that this practice will continue. Has the Board considered doing accreditation of a degree awarded from a university rather than reviewing individual classes taken by each applicant? This would seem to be a more efficient and effective methods. I know the program at CSUF best, so let me use that as an example. a. To earn a B.S. degree in Geology from CSUF, each student is required, without exception, to complete classes in Earth History, Earth Materials (mineralogy), Igneous and Metamorphic Petrology, Structural Geology, Sedimentology and Stratigraphy, Field Techniques (introduction to geologic mapping), Advanced Field Methods, Surface Processes (geomorphology) and one class from Geochemistry, Geophysics and Engineering Geology. The B.S. degree includes all of the required education for licensing. As a result, it is unnecessary for the Board to review each class for any student with a B.S. degree in Geology from CSUF.



		<p>b. In contrast, the B.A. degree in Earth Science from CSUF may or may not include these classes. Therefore, the Board should review the transcript of applicants with this degree. The Board does not have to do the work for degree accreditation. Simply have each department complete and return a questionnaire. For the 1st applicant from any university (e.g., Georgia State), the Board sends the questionnaire to the department and slowly builds a database of accreditation. This would increase efficiency of Board personnel over time.</p>
5.4		<p>4. Why three references? I work 8 years, 40 hours a week for 1 licensed engineering geologist. Why do I need two more references? If I'm now required to get two more references – then I'm asking two other geologists to write a false reference at the behest of the Board.</p>
6	<p>Horacio Ferriz 12/5/2018</p>	<p>I have a question re Section 3022.1 (image attached). The requirements for the PG were spelled about in great detail, but those for the PGp are limited to a reference to another part of the code. Wouldn't it be better to apply the same level of detail to both professions?</p> <p><b><u>§3022.1 Professional Geophysicist Educational and Experience Requirements</u></b></p> <p><u>(a) To be eligible for the professional geophysicist license, an applicant shall have completed the educational requirements set forth in Section 7841.1(b) of the Code, and at least 7 years of professional geophysical work, as set forth in Section 7841.1(c) of the Code.</u></p>
7	<p>Mark List 12/6/2018</p>	<p>ABET accrediting not common for geology programs and it appears odd that this was selected because there are so few geology programs currently accredited under ABET.</p>
8	<p>Christina Boggs-Chavira 12/6/2018</p>	<p>Q. did the Board reach out to Colleges and Universities regarding the ABET option for qualifying education?</p>
9	<p>Chris Tracy 12/6/2018</p>	<p>The change I have issue with is the following:</p> <p>(1) As described in Section 7841(b)(I) of the Code, and Section 7841.2(c)(I) of the Code, graduation from a college or university with a major in geological sciences or any other discipline relevant to geology, refers to graduation with a baccalaureate degree or higher in geology or a related geological science, from a program accredited by the Applied and Natural Science Accreditation Commission of ABET Inc., the organization defined in 16 CCR Section 404(a).</p> <p>The above language defines what the board will accept as education under 7841(b)(1) and 7841.2(c)(1). The proposed acceptable education definition (above) ONLY accepts graduation from an ABET Inc. accredited geological science program. A search of the ABET Inc. website shows that there is only ONE Geology (BS) program in the United States that has ABET accreditation. The only other</p>

		<p>program is Geosystems Engineering and Hydrogeology, which I contend does not qualify as a Geology program. I believe, if the Board adopts this stringent requirement it will reject most, if not all, applicants educational experience for the foreseeable future. If the Board's intent is to encourage all geological programs to become ABET certified, I suggest the board set a date in the distant future when only ABET programs will be accepted. Until that date the revised language in section 3022 needs to include the language from 7841(b)(1) and 7841.2(c)(1) accepting non-ABET accredited programs that, in the opinion of the board, is relevant. Otherwise, qualified geologist will be unfairly excluded from the professional license, the public will be harmed by a lack of licensed geologist to perform needed work, and the profession will be harmed by the lack of licensed geologist able to fill vacant positions due to large numbers of retirements. Additionally, the time and cost it will take a Geology program to become ABET certified should be factored into the fiscal impact of this change, which I believe it has not been considered in the current estimate. I believe the intent of the change was not to exclude anyone currently enrolled or having graduated from a program acceptable to the board but not ABET certified. In the board documents announcing this change the summarized language of the change is:</p> <p>Changes proposed to add missing detail:</p> <ul style="list-style-type: none"> <li>• Adds specific standards for the educational qualifications required to obtain a Professional Geologist license or certification as a Geologist-in-Training. These include specifying an ABET accredited baccalaureate degree, or alternatively, successfully completing coursework at an accredited institution to obtain the knowledge and skills expected for geology licensure.</li> </ul> <p>You can see in the second sentence an alternative to the ABET certification was expected by the author of this summary. Somehow, this alternative was not included in the proposed change to 3022.</p>
10	Sally McGill 12/7/2018	<p>I don't think that the new Geology Rulemaking requires a degree from an ABET-accredited geology program in order to qualify for the PG license or GIT certification. A degree from an ABET accredited program is merely one of two pathways to qualify. I am copying Kara Williams and Laurie Racca, so that one of them may be able to comment on whether I am interpreting things correctly or not. I just took a quick look at Initial Statement of Reasons  <a href="https://www.bpelsg.ca.gov/about_us/3022_isr.pdf">https://www.bpelsg.ca.gov/about_us/3022_isr.pdf</a>  Rulemaking Notice and Modified Text  <a href="https://www.bpelsg.ca.gov/about_us/3022_notice.pdf">https://www.bpelsg.ca.gov/about_us/3022_notice.pdf</a>  In the ""initial statement of reasons"" (p. 3), it says:  Changes proposed to add missing detail: Adds specific standards for the educational qualifications required to obtain a Professional Geologist license or certification as a Geologist-in-Training. These include specifying an ABET accredited baccalaureate degree, or alternatively, successfully completing coursework at an accredited institution to obtain the knowledge and skills expected for geology licensure. This is also confirmed in the ""Rulemaking Notice and Modified Text""</p>

11	Joan Fryxdell 12/9/2018	E.	Yes, as it reads, it is one of two pathways. However, ABET is very dominantly an engineering organization, and is not set up to accredit any geology programs (one possible exception is in Arkansas). It is not recognized as an appropriate authority to examine geology programs, and would encounter significant resistance if forced on the geologic community. I will respond fully to the entire document after I get grades submitted, but it reads to me like the engineers in BPELSG trying to impose their view of "regular" on the entire system, which includes other groups that have different practices.
12	Joan Fryxdell 1/14/2019	E.	<p>The proposed changes include specifying an ABET accreditation for geology baccalaureate degree. This does not have any logic behind it, because current ABET has only accredited a single program in geology, and that one is a hybrid geology/engineering program. Geology and engineering do have some overlap, but they have major areas where they are independent of each other, and recognizing them as an accrediting body does the entire discipline of geology a disservice. The question of developing an accrediting body for geology was examined by the Geological Society of America among other professional bodies, as can be perused at:</p> <p><a href="https://serc.carleton.edu/departments/degree_programs/accreditation.html">https://serc.carleton.edu/departments/degree_programs/accreditation.html</a>  <a href="http://www.geosociety.org/gsatoday/archive/18/10/abstract/i1052-5173-18-10-52.htm">http://www.geosociety.org/gsatoday/archive/18/10/abstract/i1052-5173-18-10-52.htm</a></p> <p>I served on the Ad Hoc Committee that surveyed GSA members and geology departments about this issue. Opinions were about evenly divided pro and con (some strongly so), and our conclusion at the time was that this question merited further discussion, but that the American Geosciences Institute was a more appropriate body to consider being the accrediting body. I strongly oppose ABET accreditation being imposed, even as an option, on the geosciences. It is not an appropriate body for geology accreditation."</p>
13.1	Timothy M. Ross 1/14/2019	M.	<p>This email is a comment on the proposed changes to the Professional Geologist licensure Education and Experience Requirements (Title 16, Section 3022(a)(1) and Section 3022.1(a)(1)). I am concerned that the language to utilize an accreditation system to judge the appropriateness of a Geology Degree is either over-reaching or frivolous (or both). If the intent is to be able to easily determine the compliance of education by automatically accepting degrees from accredited universities, then Section 3022(a)(1) is frivolous because there appears to be only one program nationwide listed as accredited by ABET. If the intent of this portion is to drive accreditation of Geology Programs, then the language is over-reaching because accreditation of academic programs is the responsibility of the Academic community, not the Department of Consumer Affairs. If the intent of this Section is to drive (or force) accreditation of Geology Programs then this notice has misstated the costs that it intends to put on the California State University and University of California Systems. Please consider the following points:</p> <ol style="list-style-type: none"> <li>1. California Colleges and Universities do not have an accepted accreditation for Geology Programs.</li> <li>2. The United States of America does not have an accepted accreditation for Geology Programs.</li> </ol>

		<p>3. The Geological Society of America (the largest Geological professional organization in the United States) has investigated the accreditation of Geology Programs and determined that there is no consensus of whether to institute accreditation nor what body or organization should perform the accreditation.</p> <p>4. ABET is not accepted as the accrediting body for Geological Sciences Programs in California or the United States</p> <p>5. ABET lists only one Geology Program in the nation (University of Arkansas, Little Rock) that it has accredited.</p> <p>Because only one Geology Program is accredited by the US, this provision will not save BPELSG staff any time or effort in determining academic compliance for any applicants. This makes the language frivolous because it brings no benefit to DCA nor to the applicants. To specify one accrediting body (ABET) when the academic community has not accepted accreditation from any body is to regulate Geology Programs. ABET is inherently an engineering accreditation organization and to specify that ABET is the one accrediting body for Geology Programs is akin to specifying that the American Chemical Society should accredit Engineering Programs. The programs of study are not equivalent. Until the Geologic academic community sets up an accrediting system for Geology Programs, the Department of Consumer Affairs (BPELSG) should not attempt to incorporate accreditation into regulations.</p>
13.2		<p>The same issues apply to Section 3022.1(a)(1), except that there is no accrediting body specified. Again, there exists no National or Regional accreditation body for Geophysics Programs. ABET lists two "Geophysical Engineering" Programs which of course are Engineering Programs, not Geophysics Programs. The language of the section specifies that the Program must have been accredited at the time the applicant was enrolled. Under these conditions, no one is qualified to apply for licensure as a Geophysicist because there are no accredited Geophysics Programs - not in California and not in the USA.</p> <p>It makes no sense to put into regulation an unachievable requirement."</p>
14	Sandy Figures 1/22/2019	<p>Concerned with section 3022.2 in reference to geophysicists. Having three geophysical references to qualify for the exam will destroy the geophysical community within 10 to 20 years. Because the geophysicist community is very small. Do the three references need to be geophysicists? Concerned with out-of-state references. Supplier geophysicist will decrease. If the references can be a combination of geophysicists and geologist, it would be beneficial."</p>

**Proposed Amendments to Title 16, California Code of Regulations  
Sections 416 and 3060 (Substantial Relationship Criteria)  
and Sections 418 and 3061 (Criteria for Rehabilitation)  
to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018)**

Under current law, the Board may deny issuance of a license or may seek to revoke (or take other disciplinary action against) a license based on the conviction of a crime or commission of other specified acts if those crimes or acts are substantially related to the qualifications, functions, and duties of the profession in which the person is seeking licensure or in which they are licensed. Furthermore, Business and Professions Code (BPC) section 481 requires the Board to develop criteria to aid it in determining whether a crime or act is substantially related. The Board has codified this criteria in Title 16, California Code of Regulations (16 CCR) section 416 for professional engineers and professional land surveyors and in 16 CCR 3060 for professional geologists and professional geophysicists.

Additionally, under current law (BPC section 482), the Board is required to establish a criteria for rehabilitation, outlining the evidence of rehabilitation that the Board shall consider when deciding whether to deny issuance of a license under the provisions of BPC section 480 or to suspend or revoke a license under the provisions of BPC section 490 and when considering a petition for reinstatement of a revoked license. The criteria for rehabilitation is codified in 16 CCR 418 for professional engineers and professional land surveyors and in 16 CCR 3061 for professional geologists and professional geophysicists.

Based on changes made by AB 2138 (Ch. 995, Stats.2018) to BPC sections 480, 481, and 482, which will become operative on July 1, 2020, amendments need to be made to the Board's regulations to conform them to the revisions made to the statutes. Following guidance from the Department of Consumer Affairs' Legal Office, Board staff is proposing conforming revisions to these four regulatory sections. In addition to the changes that simply conform the regulations to the changes in statute, it was also determined that there are some grammatical changes that need to be made. The proposed amendments to the regulations, as well as the chaptered version of AB 2138, are included.

**RECOMMENDED MOTION:**

Approve the proposed amendments, as shown, to Title 16, California Code of Regulations sections 416, 418, 3060, and 3061 to conform the regulations to the statutory changes enacted by AB 2138 (Ch. 995, Stats.2018) and direct staff to begin the rulemaking process so that the amendments will become effective on July 1, 2020, when the changes to the statutes become operative.

**Section 416 of Division 5 of Title 16 of the California Code of Regulations is amended as follows:**

**416. Substantial Relationship Criteria.**

(a) For the purpose of denial, suspension, or revocation of the license of a professional engineer or a land surveyor pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of a professional engineer or land surveyor if, to a substantial degree, it evidences present or potential unfitness of a professional engineer or land surveyor to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but not be limited to, those involving the following:~~

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the Board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and,

(3) The nature and duties of a professional engineer or land surveyor.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

~~(a)~~ (1) For professional engineers, any violations of the provisions of the Professional Engineers Act or other state or federal laws governing the practice of professional engineering or aiding and abetting any person in such a violation;

~~(b)~~ (2) For land surveyors, any violations of the provisions of the Professional Land Surveyors' Act or other state or federal laws governing the practice of land surveying or aiding and abetting any person in such a violation;

~~(c)~~ (3) A conviction of a crime arising from or in connection with the practice of professional engineering or land surveying.

**Section 3060 of Division 29 of Title 16 of the California Code of Regulations is amended as follows:**

**3060. Substantial Relationship Criteria.**

(a) For the purpose of denial, suspension, or revocation of the registration of a geologist, specialty geologist, geophysicists or specialty geophysicists pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of a geologist, specialty geologist, geophysicists or specialty geophysicists if to a substantial degree it evidences present or potential unfitness of such geologist or geophysicists to perform the functions authorized by his registration in a manner consistent with the public health, safety or welfare. ~~Such crimes or acts shall include, but not be limited to, the following:~~

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the Board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and,

(3) The nature and duties of a professional engineer or land surveyor.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

(a) (1) Any violation of the provisions of Chapter 12.5 of Division 3 of the Business and Professions Code or other state or federal laws governing the practice of geology or geophysics or aiding and abetting any person in such a violation;

(2) A conviction of a crime arising from or in connection with the practice of geology or geophysics.

**Section 418 of Division 5 of Title 16 of the California Code of Regulations is amended as follows:**

**418. Criteria for Rehabilitation.**

(a) When considering the denial of an application for certification as an engineer-in-training or a land surveyor-in-training, or for licensure as a professional engineer, or for licensure as a professional land surveyor, or for authority to use the title "structural engineer," or for authority to use the title "geotechnical engineer," under Section 480 of the Code on the ground that the applicant was convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria; the Board will consider the following criteria in evaluating the rehabilitation of the applicant and his or her present eligibility for such a licensure or authority:

(1) The nature and gravity of the crimes(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subdivision (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating the applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) or crime(s) committed prior to or subsequent to the act(s) or crime(s) under consideration as grounds for denial which could also be considered as grounds for denial under Section 480 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Any evidence of rehabilitation submitted by the applicant.

(6) Total criminal record.

(7) If applicable, evidence of expungement proceedings that the conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code; evidence that the applicant has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code; or evidence of a comparable dismissal or expungement.

(8) The criteria in subdivision (a)(1)-(5), as applicable.

~~(b) (c) When considering the suspension or revocation of the certification of an engineer-in-training or a land surveyor-in-training, or the license of a professional engineer or a professional land surveyor, or the authority to use the title "structural engineer," or the authority to use the title "geotechnical engineer" under Section 490 of the Code on the ground that the license holder was convicted of a crime, the Board shall consider whether the license holder made a showing of rehabilitation and is presently eligible for a license, if the license holder completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria; the Board will consider the following criteria in evaluating the rehabilitation of such person and his or her present eligibility to retain his or her license:~~

(1) The nature and gravity of the crimes(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the license holder's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(d) If subdivision (c) is inapplicable, or the Board determines that the license holder did not make the showing of rehabilitation based on the criteria in subdivision (c), the Board shall apply the following criteria in evaluating the license holder's rehabilitation. The Board shall find that the license holder made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the license holder is rehabilitated:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.

(2) Evidence of any act(s) or crime(s) committed prior to or subsequent to the act(s) or crime(s) under consideration as grounds for suspension or revocation which could also be considered as grounds for suspension or revocation under Section 490 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).



(4) The extent to which the ~~licensee~~ license holder has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the ~~licensee~~ holder.

(5) Any evidence of rehabilitation submitted by the ~~licensee~~ license holder.

(6) Total criminal record.

(7) If applicable, evidence of ~~expungement proceedings~~ that the conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code; evidence that the license holder has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code; or evidence of a comparable dismissal or expungement.

(8) The criteria in subdivision (c)(1)-(5), as applicable.

~~(c)~~ (e) When considering a petition for reinstatement of the certification of an engineer-in-training or a land surveyor-in-training, or the license of a professional engineer or a professional land surveyor, or the authority to use the title "structural engineer," or the authority to use the title "geotechnical engineer," the Board shall evaluate evidence of rehabilitation submitted by the petitioner, including but not limited to the following:

(1) Educational courses, including college-level courses, seminars, and continuing professional development courses, completed after the effective date of the Board's decision ordering revocation.

(2) Professional engineering or land surveying work done under the responsible charge of a licensee in good standing or under the direction of a person legally authorized to practice.

(3) Payment of restitution to the consumer(s) by the petitioner.

(4) Actual or potential harm to the public, client(s), employer(s), and/or employee(s) caused by the action(s) that led to the revocation or that could be caused by the reinstatement of the certificate, license, or authority.

(5) The criteria specified in ~~subsection (b)~~ subdivision (d)(1) through (7) ~~(8)~~, as applicable.

(6) Disciplinary history, other than criminal actions, after the revocation.

(7) Recognition by the petitioner of his or her own actions and/or behavior that led to the revocation.

(8) Correction of the petitioner's actions and/or behavior that led to the revocation.

(f) As used in this section, "license" means certification as an engineer-in-training or a land surveyor-in-training, licensure as a professional engineer, licensure as a professional land surveyor, authority to use the title "structural engineer," or authority to use the title "geotechnical engineer."

**Section 3061 of Division 29 of Title 16 of the California Code of Regulations is amended as follows:**

**3061. Criteria for Rehabilitation.**

(a) When considering the denial of an application for licensure as a professional geologist or professional geophysicist, or certification as a specialty geologist, specialty

geophysicist, or geologist-in-training under Section 480 of the Code, the Board on the ground that the applicant was convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria; ~~in evaluating the rehabilitation of the applicant and his or her present eligibility for such a license or certification, will consider the following criteria:~~

(1) The nature and gravity of the crimes(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subdivision (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating the applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) or crime(s) committed prior to or subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) ~~Evidence, if any,~~ Any evidence of rehabilitation submitted by the applicant.

(6) Total criminal record.

(7) If applicable, evidence of expungement proceedings that the conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code; evidence that the applicant has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code; or evidence of a comparable dismissal or expungement.

(8) The criteria in subdivision (a)(1)-(5), as applicable.

(b) (c) When considering the suspension or revocation of the license of a professional geologist or professional geophysicist, or certification of a specialty geologist, specialty geophysicist, or geologist-in-training under Section 490 of the Code on the ground that the license holder was convicted of a crime, the Board shall consider whether the license holder made a showing of rehabilitation and is presently eligible for

a license, if the license holder completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria; the Board will consider the following criteria in evaluating the rehabilitation of such person and his or her present eligibility to retain his or her license:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the license holder's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(d) If subdivision (c) is inapplicable, or the Board determines that the license holder did not make the showing of rehabilitation based on the criteria in subdivision (c), the Board shall apply the following criteria in evaluating the license holder's rehabilitation. The Board shall find that the license holder made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the license holder is rehabilitated:

(1) Nature The nature and severity of the act(s) or ~~offense(s)~~ crime(s) under consideration as grounds for suspension or revocation.

(2) Evidence of any act(s) or crime(s) committed prior to or subsequent to the act(s) or offense(s) crime(s) under consideration as grounds for suspension or revocation under Section 490 of the Code.

(3) The time that has elapsed since commission of the act(s) or offense(s) crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the licensee license holder has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee license holder.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) (5) Evidence, if any, Any evidence of rehabilitation submitted by the licensee.

(7) (6) Total criminal record.

(7) If applicable, evidence that the conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code; evidence that the license holder has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code; or evidence of a comparable dismissal or expungement.

(8) The criteria in subdivision (c)(1)-(5), as applicable.

(e) (e) When considering a petition of reinstatement of the certification as a geologist-in-training, specialty geologist, or specialty geophysicist; or the license of a professional geologist or professional geophysicist, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, including but not limited to the following:

(1) Educational courses, including college-level courses, seminars, and continuing professional development courses, completed after the effective date of the Board's decision ordering revocation.

(2) Professional geological or geophysical work done under the responsible charge of a licensee in good standing or under the direction of a person legally authorized to practice.

(3) Payment of restitution to the consumer(s) by the petitioner.

(4) Actual or potential harm to the public, client(s), employer(s), and/or employee(s) caused by the action(s) that led to the revocation or that could be caused by the reinstatement of the certificate, license, or authority.

(5) The criteria specified in ~~subsection (b)~~ subdivision (d)(1) through (7) (8), as applicable.

(6) Disciplinary history, other than criminal actions, after the revocation.

(7) Recognition by the petitioner of his or her own actions and/or behavior that led to the revocation.

(8) Correction of the petitioner's actions and/or behavior that led to the revocation.

(f) As used in this section, "license" means certification as a geologist-in-training, specialty geologist, or specialty geophysicist or licensure as a professional geologist or professional geophysicist.

## **Assembly Bill No. 2138**

### **CHAPTER 995**

An act to amend, repeal, and add Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and to add Section 480.2 to, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 30, 2018. Filed with  
Secretary of State September 30, 2018.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2138, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified. The bill would prohibit a board from

denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill would clarify that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.

This bill would also make necessary conforming changes.

This bill would make these provisions operative on July 1, 2020.

*The people of the State of California do enact as follows:*

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.

Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 2. Section 7.5 is added to the Business and Professions Code, to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(A) The State Athletic Commission.

(B) The Bureau for Private Postsecondary Education.

(C) The California Horse Racing Board.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

(d) This section shall become operative on July 1, 2020.

SEC. 3. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 4. Section 480 is added to the Business and Professions Code, to read:

480. (a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

- (i) Chapter 1 (commencing with Section 5000) of Division 3.
- (ii) Chapter 6 (commencing with Section 6500) of Division 3.



- (iii) Chapter 9 (commencing with Section 7000) of Division 3.
- (iv) Chapter 11.3 (commencing with Section 7512) of Division 3.
- (v) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.

(vi) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing

with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) “Conviction” as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 5. Section 480.2 is added to the Business and Professions Code, to read:

480.2. (a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

- (1) Been convicted of a crime.
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false

statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f) (1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary

Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(j) This section shall become operative on July 1, 2020.

SEC. 6. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 7. Section 481 is added to the Business and Professions Code, to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed by Section 482.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

SEC. 8. Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(1) Considering the denial of a license by the board under Section 480;  
or

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 9. Section 482 is added to the Business and Professions Code, to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider whether an applicant or licensee has made a showing of rehabilitation if either of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

(2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.

(c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(d) This section shall become operative on July 1, 2020.

SEC. 10. Section 488 of the Business and Professions Code is amended to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 11. Section 488 is added to the Business and Professions Code, to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(c) This section shall become operative on July 1, 2020.

SEC. 12. Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(b) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 13. Section 493 is added to the Business and Professions Code, to read:

493. (a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

- (B) The number of years elapsed since the date of the offense.
- (C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.
- (e) This section shall become operative on July 1, 2020.

SEC. 14. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. Notwithstanding subdivision (c) of Section 480, if the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 15. Section 11345.2 is added to the Business and Professions Code, to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser



refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

(c) This section shall become operative on July 1, 2020.

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## **VI. Administration**

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- A. Fiscal Year 2017/18 Budget Status
- B. Fiscal Year 2018/19 Budget Report



**0770- Professional Engineers, Land Surveyors and Geologists**  
**Financial Statement**

Date Prepared:  
2/6/2019

	FY 2017-18 Month 6 (7/17-12/17)	FY 2018-19 Month 6 (7/18-12/18)	% Change	FY 2018-19 FM 1 Projections	FY 2018-19 Updated Projections	% Change
<b>Revenue</b>						
Applications/Licensing Fees	815,735	748,443	-8%	1,643,000	1,631,470	-1%
<sup>1</sup> Renewal fees	4,986,245	4,681,658	-6%	6,851,000	6,242,210	-9%
<sup>2</sup> Delinquent fees	1,308	4,461	241%	90,000	90,000	0%
Other	116,066	108,691	-6%	138,000	138,490	0%
<sup>3</sup> Interest	-	-		97,000	225,490	132%
<b>Total Revenue:</b>	<b>5,919,354</b>	<b>5,543,253</b>	<b>-6%</b>	<b>8,722,000</b>	<b>8,327,660</b>	<b>-5%</b>
<b>Expense</b>						
<b>Personnel Services:</b>						
<sup>4</sup> Salary & Wages (Staff)	1,361,465	1,359,540	0%	2,707,527	2,799,240	3%
Temp Help	69,326	30,343	-56%	53,212	60,686	14%
Statutory Exempt (EO)	62,052	64,536	4%	134,037	129,072	-4%
Board Member Per Diem	2,000	4,300	115%	17,200	8,600	-50%
Overtime/Flex Elect	110,851	13,903	-87%	27,866	27,806	0%
Staff Benefits	712,622	774,033	9%	1,552,500	1,548,066	0%
<b>Total Personnel Services</b>	<b>2,318,316</b>	<b>2,246,655</b>	<b>-3%</b>	<b>4,492,342</b>	<b>4,573,470</b>	<b>2%</b>
<b>Operating Expense and Equipment:</b>						
General Expense	31,695	33,796	7%	72,905	67,592	-7%
<sup>5</sup> Printing	3,704	8,290	124%	120,505	16,580	-86%
Communication	8,922	11,163	25%	28,270	22,326	-21%
<sup>6</sup> Postage	3,856	0	-100%	42,948	5,000	-88%
Insurance	0	0	0%	19,373	0	-100%
Travel In State	36,182	20,657	-43%	37,281	41,314	11%
Travel, Out-of-State	1,425	0	-100%	0	0	0%
Training	145	465	221%	930	930	0%
Facilities Operations	179,816	198,271	10%	414,665	396,542	-4%
Utilities	0	0	0%	0	0	0%
<sup>7</sup> C & P Services - Interdept.	119,063	352,243	196%	704,486	748,000	6%
<sup>8</sup> C & P Services - External	871,102	838,907	-4%	1,677,814	1,823,143	9%
<sup>9</sup> DCA Pro Rata	1,059,000	1,004,500	-5%	2,009,000	1,938,000	-4%
DOI - Investigations	201,000	168,000	-16%	336,000	336,000	0%
Interagency Services	0	0	0%	27,000	0	-100%
IA w/ OPES	0	0	0%	0	0	0%
Consolidated Data Center	105	136	30%	22,000	272	-99%
Information Technology	6,764	3,180	-53%	7,961	6,360	-20%
Equipment	246	6,476	2533%	0	10,000	0%
Other Items of Expense	41	0	-100%	0	0	0%
Vehicle Operations	0	0	0%	0	0	0%
<b>Total OE&amp;E</b>	<b>2,523,066</b>	<b>2,646,084</b>	<b>5%</b>	<b>5,521,138</b>	<b>5,412,059</b>	<b>-2%</b>
<b>Total Expense:</b>	<b>4,841,382</b>	<b>4,892,739</b>	<b>1%</b>	<b>10,013,481</b>	<b>9,985,529</b>	<b>0%</b>
<b>Total Revenue:</b>	5,919,354	5,543,253		8,722,000	8,327,660	
<b>Total Expense:</b>	4,841,382	4,892,739		10,013,481	9,985,529	
<b>Difference:</b>	<b>1,077,972</b>	<b>650,514</b>		<b>(1,291,481)</b>	<b>(1,657,869)</b>	

## Financial Statement Notes

- 1 Renewal fees** - Internal tracking indicates \$4.7 million in renewal fee revenue. Renewal fees are not collected equally throughout the year. On average, the Board collects 75% of its renewal fees revenue in the first half of the fiscal year.
- 2 Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 3 Interest** - Includes income from surplus money investments earned on money in the Board's fund. The state treasury manages this money and the Board earns income based on the current interest rate. Line item projection was provided by the DCA Budgets office.
- 4 Salary & Wages (Staff)** - The projected expenditure increase for salaries and wages is due to new hires. This expenditure line item was taken from the January 2019 Management Information Retrieval System (MIRS) reports. The Board has filled the following positions: SSA, PT II, 2.0 AGPA's and Senior Registrar - Civil.
- 5 Printing** - Projections have decreased because of external tracking documents data. There are no large printing projects planned for this fiscal year. Printing was higher in previous fiscal years because of large one-time costs for plastic cards and college outreach publications.
- 6 Postage** - Paid in advance and loaded in large increments to the Board's mailing machine. No additional funding is scheduled at this time.
- 7 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 8 C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing). Internal tracking documents identify \$643,493 in external contracts. However, the Board is executing a civil exam development contract that is \$502,857. Additional information indicates that subject matter expert agreements are projected to be \$680,000 by year-end.
- 9 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.

# 0770 - Professional Engineers, Land Surveyors and Geologists Fund

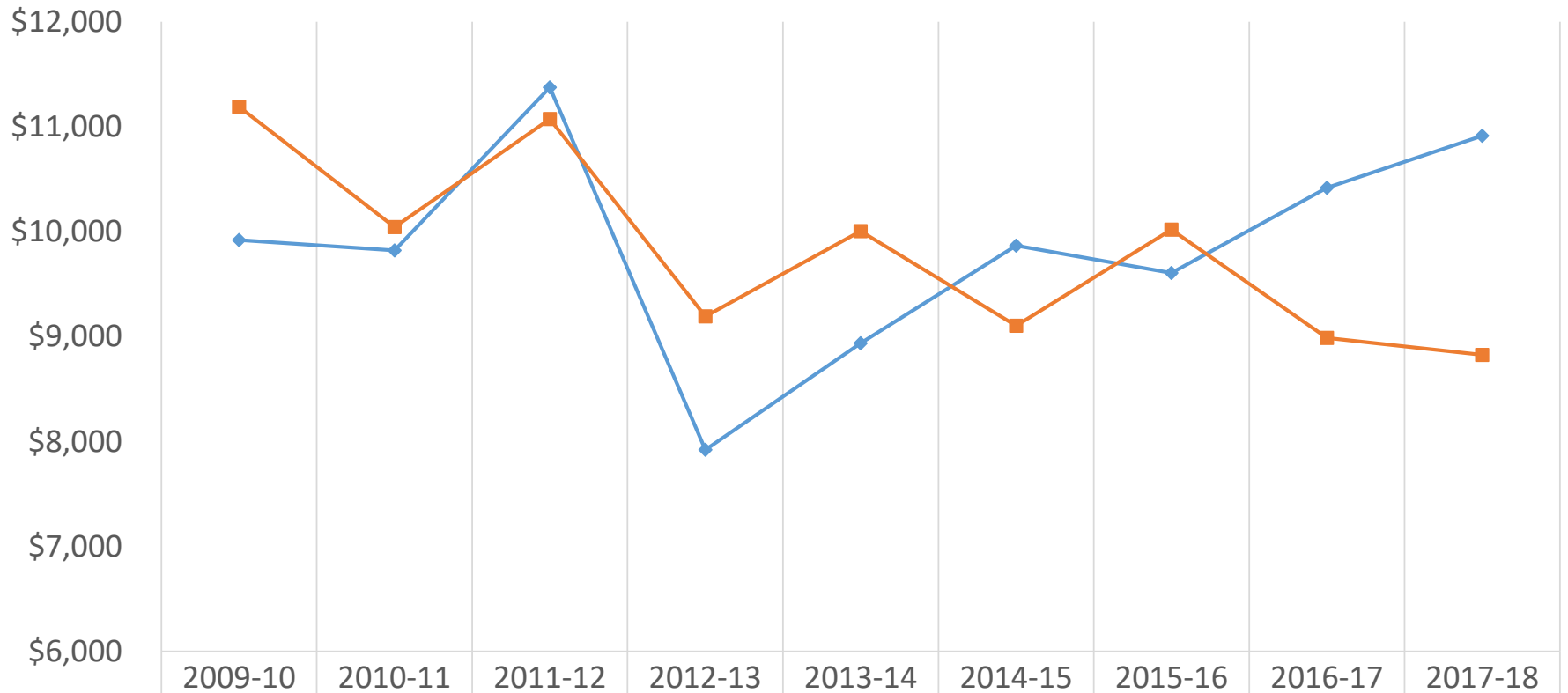
## Analysis of Fund Condition

(Dollars in Thousands)

Updated 2.6.2019

Governor's Budget	Governor's Budget				
	PY 2017-18	CY 2018-19	BY 2019-20	BY +1 2020-21	BY +2 2021-22
<b>BEGINNING BALANCE</b>	\$ 10,042	\$ 7,955	\$ 6,246	\$ 4,016	\$ -135
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 10,042	\$ 7,955	\$ 6,246	\$ 4,016	\$ -135
<b>REVENUES AND TRANSFERS</b>					
Revenues:					
4121200 Delinquent fees	\$ 88	\$ 90	\$ 88	\$ 91	\$ 89
4127400 Renewal fees	\$ 6,851	\$ 6,242	\$ 6,891	\$ 6,305	\$ 6,960
4129200 Other regulatory fees	\$ 124	\$ 138	\$ 109	\$ 109	\$ 109
4129400 Other regulatory licenses and permits	\$ 1,643	\$ 1,631	\$ 1,646	\$ 1,648	\$ 1,662
4150500 Interest Income from interfund loans	\$ 97	\$ -	\$ -	\$ -	\$ -
4163000 Income from surplus money investments	\$ -	\$ 212	\$ 163	\$ 183	\$ 130
4171400 Escheat of unclaimed checks and warrants	\$ 13	\$ 13	\$ 13	\$ 13	\$ 13
4172500 Miscellaneous revenues	\$ 10	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 8,826	\$ 8,328	\$ 8,911	\$ 8,349	\$ 8,964
Transfers from Other Funds					
Revenue Transfer from Geology/General Fund	\$ -		\$ 1,134		
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ 800	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 8,826	\$ 9,128	\$ 10,045	\$ 8,349	\$ 8,964
Totals, Resources	\$ 18,868	\$ 17,083	\$ 16,291	\$ 12,365	\$ 8,829
<b>EXPENDITURES</b>					
Disbursements:					
1111 Department of Consumer Affairs (State Operations)	\$ 10,214	\$ 9,986	\$ 11,250	\$ 11,475	\$ 11,705
8880 Financial Information System for CA (State Operations)	\$ 15	\$ 1	\$ -3	\$ -3	\$ -3
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ 98	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 684	\$ 753	\$ 819	\$ 819	\$ 819
Total Disbursements	\$ 10,913	\$ 10,838	\$ 12,275	\$ 12,500	\$ 12,730
<b>FUND BALANCE</b>					
Reserve for economic uncertainties	\$ 7,955	\$ 6,246	\$ 4,016	\$ -135	\$ -3,900
<b>Months in Reserve</b>	8.8	6.1	3.9	-0.1	-3.6

## HISTORICAL EXPENDITURES VS. REVENUES





## **VII. Legislation**

---

### **A. 2019 Legislative Calendar**



DEADLINES

JANUARY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

MARCH						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 7](#) Legislature **reconvenes** (J.R. 51(a)(1)).
- [Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- [Jan. 21](#) Martin Luther King, Jr. Day.
- [Jan. 25](#) Last day to submit **bill requests** to the Office of Legislative Counsel
- [Feb. 18](#) Presidents’ Day.
- [Feb. 22](#) Last day for **bills to be introduced** (J.R. 61(a)(1)), (J.R. 54(a)).
- [Mar. 29](#) Cesar Chavez Day observed.
- [Apr. 11](#) **Spring recess** begins upon adjournment of this day’s session (J.R. 51(a)(2)).
- [Apr. 22](#) Legislature **reconvenes** from Spring recess (J.R. 51(a)(2)).
- [Apr. 26](#) Last day for **policy committees** to hear and report to **fiscal committees** **fiscal bills** introduced in their house (J.R. 61(a)(2)).
- [May 3](#) Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).
- [May 10](#) Last day for **policy committees** to meet prior to June 3 (J.R. 61(a)(4)).
- [May 17](#) Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)). Last day for **fiscal committees** to meet prior to June 3 (J.R. 61(a)(6)).
- [May 27](#) Memorial Day.
- [May 28-31](#) **Floor Session Only.**  
No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).
- [May 31](#) Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

2019 TENTATIVE LEGISLATIVE CALENDAR  
COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE CHIEF CLERK  
October 31, 2018 (revised)

JUNE						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

[Jun. 3](#) Committee meetings may resume (J.R. 61(a)(9)).

[Jun. 15](#) **Budget Bill** must be **passed by midnight** (Art. IV, Sec. 12(c)(3)).

[Jul. 4](#) Independence Day.

[Jul. 10](#) Last day for **policy committees** to hear and report **fiscal bills** to **fiscal committees** (J.R. 61(a)(10)).

[Jul. 12](#) Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)). **Summer recess** begins upon adjournment of this day’s session, provided Budget Bill has been passed (J.R. 51(a)(3)).

[Aug. 12](#) **Legislature reconvenes** from Summer recess (J.R. 51(a)(3)).

[Aug. 30](#) Last day for **fiscal committees** to meet and report bills to Floor (J.R. 61(a)(12)).

[Sep. 2](#) Labor Day.

[Sep. 3-13](#) **Floor Session Only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(a)(13)).

[Sep. 6](#) Last day to **amend bills on the floor** (J.R. 61(a)(14)).

[Sep. 13](#) Last day for **each house to pass bills** (J.R. 61(a)(15)). **Interim Study Recess** begins upon adjournment of this day’s session (J.R. 51(a)(4)).

\*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

**2019**  
[Oct. 13](#) Last day for Governor to sign or veto bills passed by the Legislature on or before Sep. 13 and in the Governor’s possession after Sep. 13 (Art. IV, Sec.10(b)(1)).

**2020**  
[Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).  
[Jan. 6](#) Legislature reconvenes (J.R. 51 (a)(4)).

## **VIII. Enforcement**

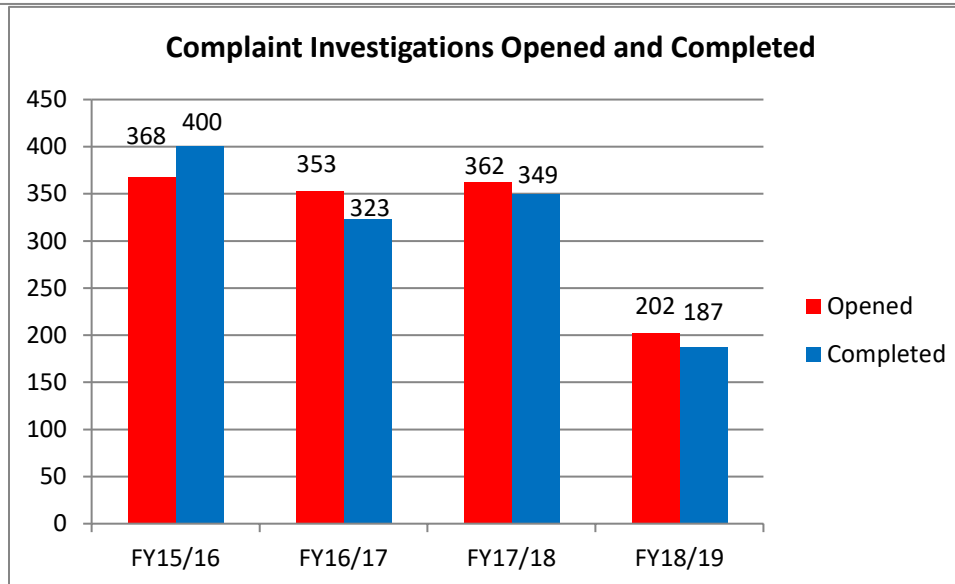
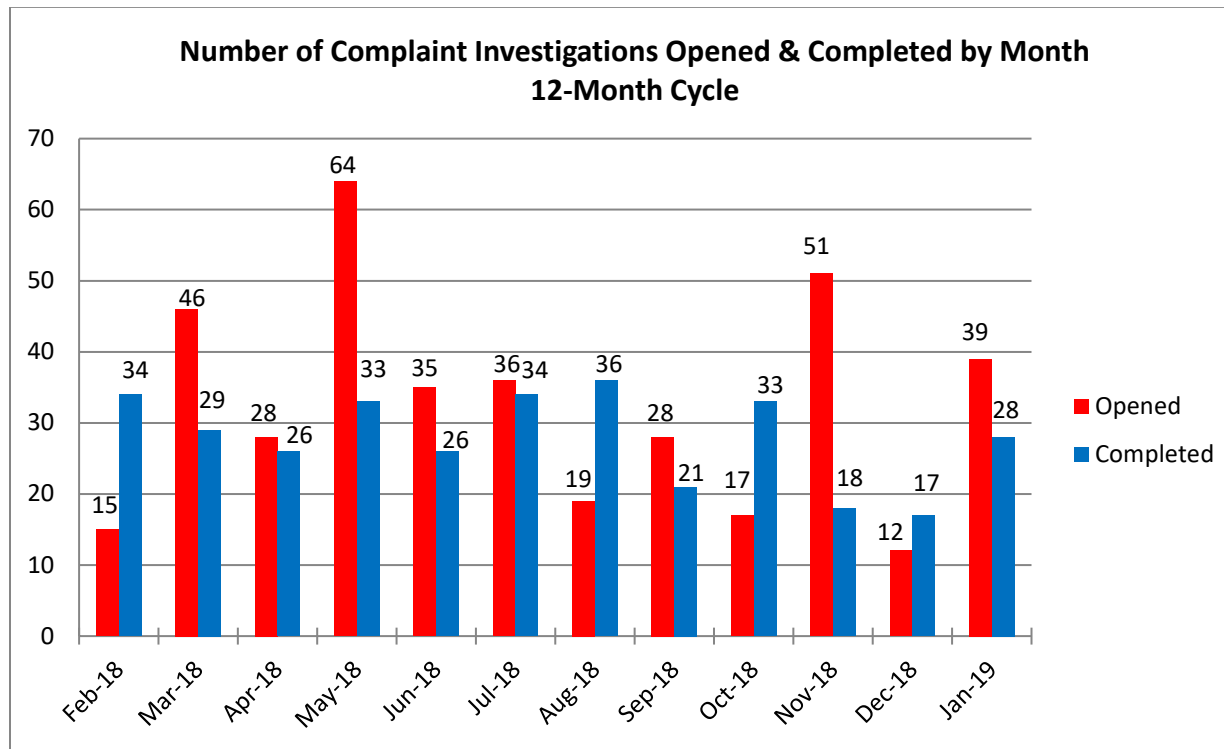
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### **A. Enforcement Statistical Reports**

#### **1. Fiscal Year 2018/19 Update**

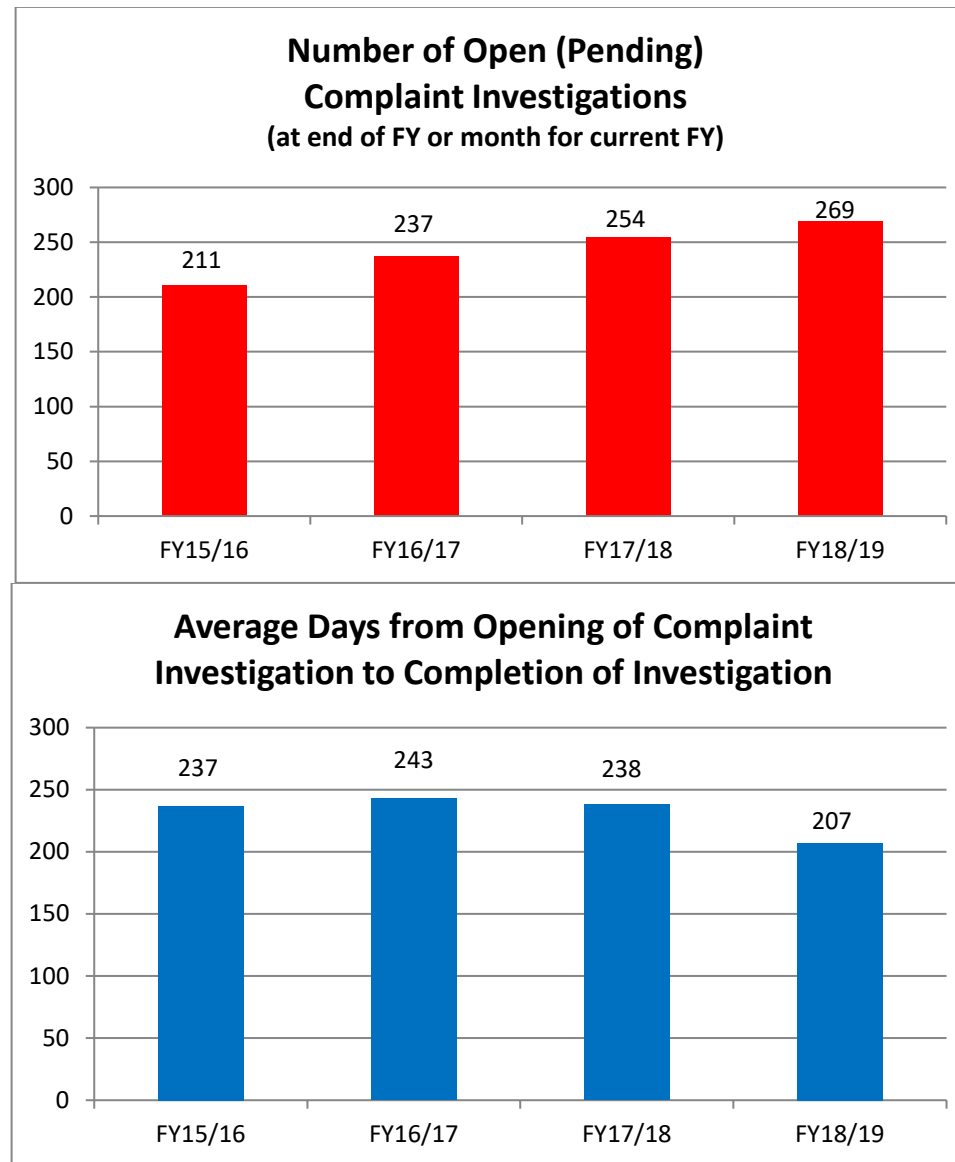


# Complaint Investigation Phase



NOTE: FY18/19 statistics are through January 31, 2019

## Complaint Investigation Phase

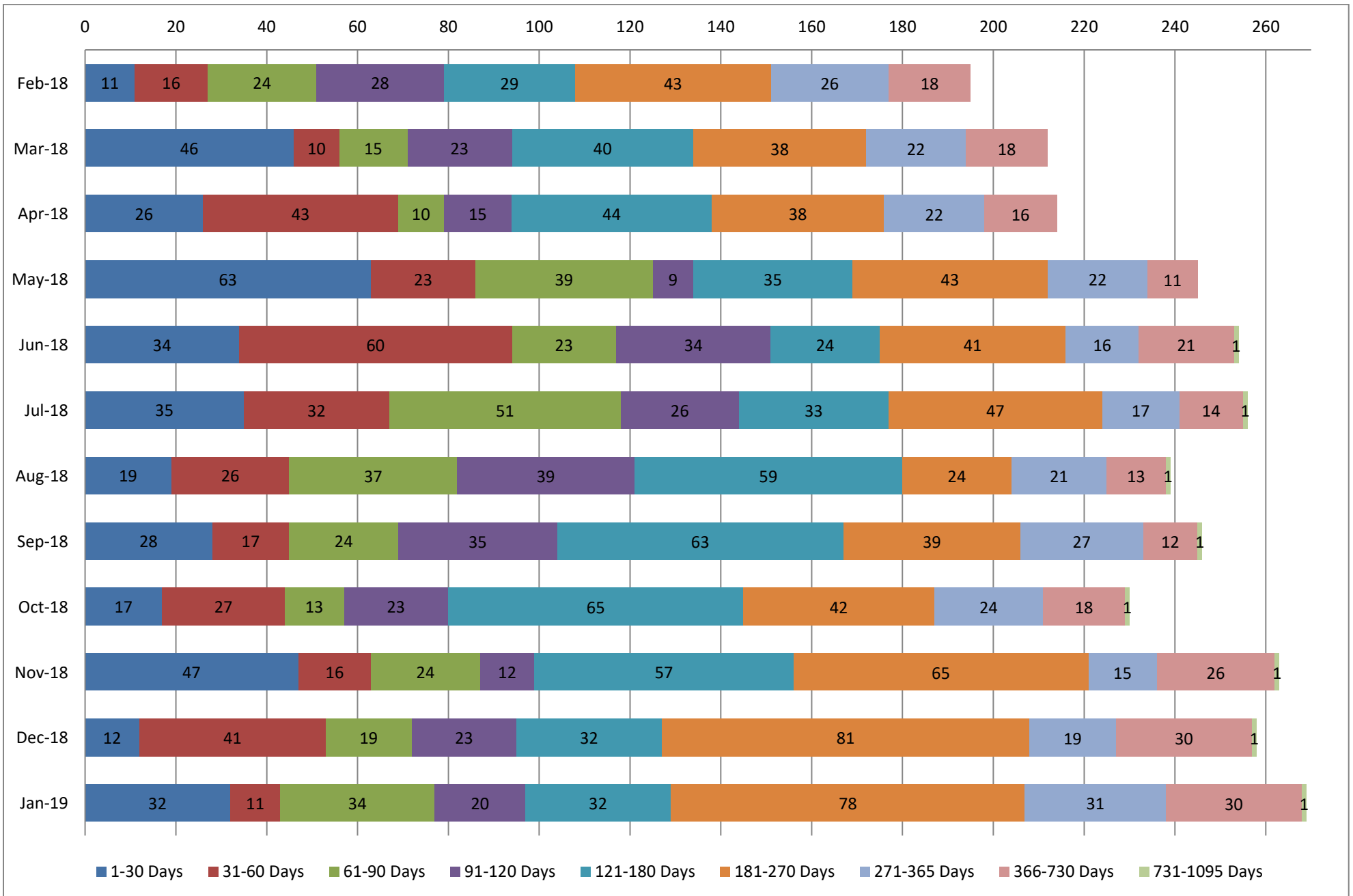


NOTE: FY18/19 statistics are through January 31, 2019

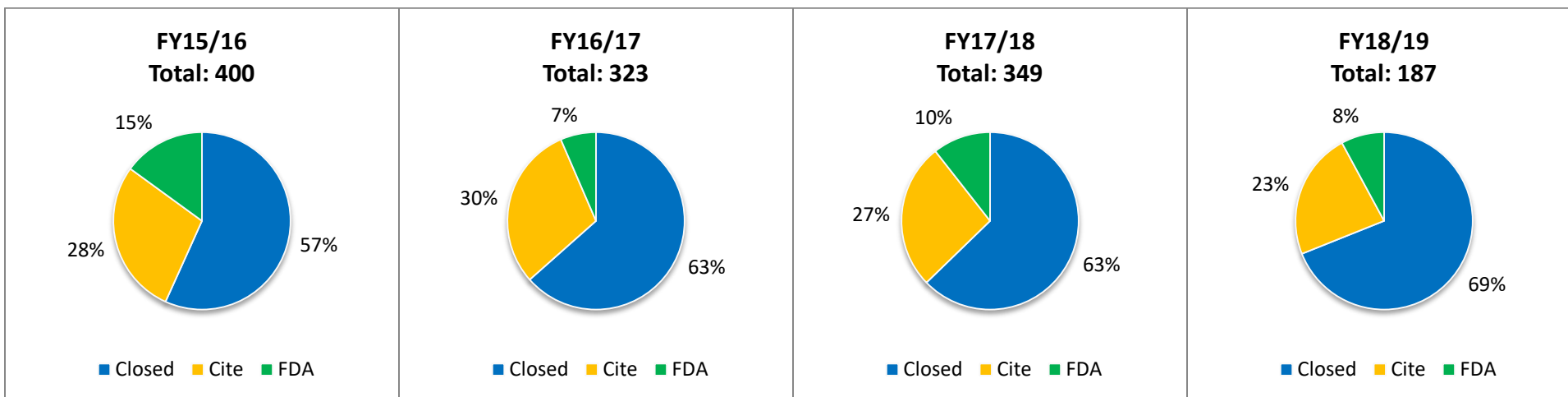
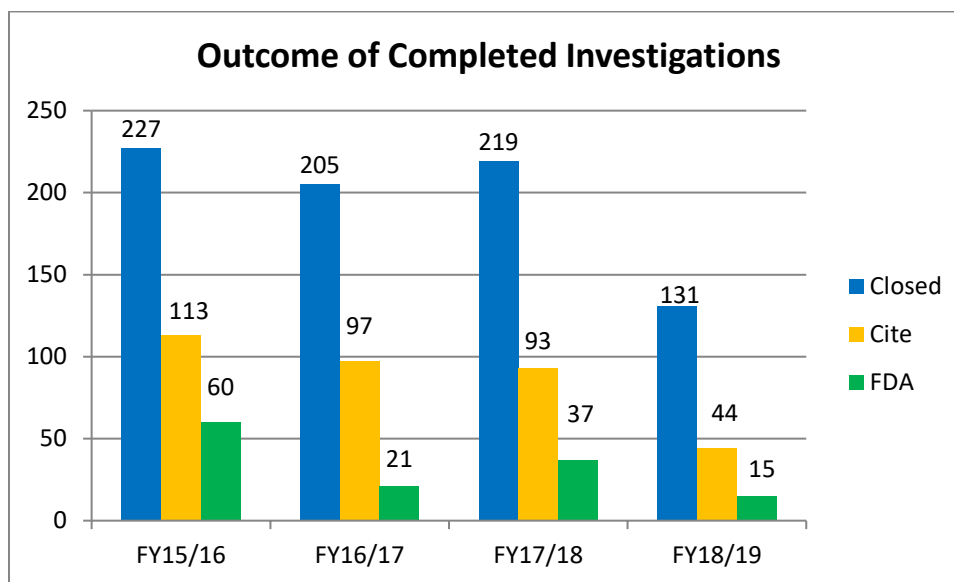


# Complaint Investigation Phase

## Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



## Complaint Investigation Phase Outcome of Completed Investigations



**NOTE: FY18/19 statistics are through January 31, 2019**

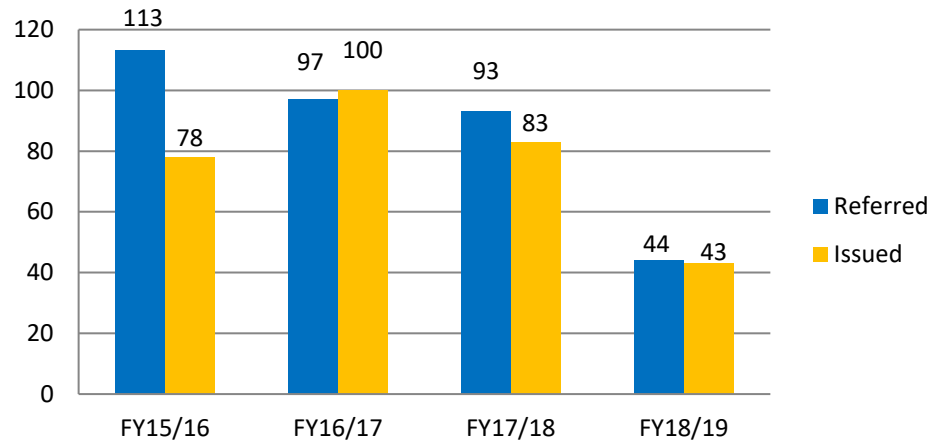
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

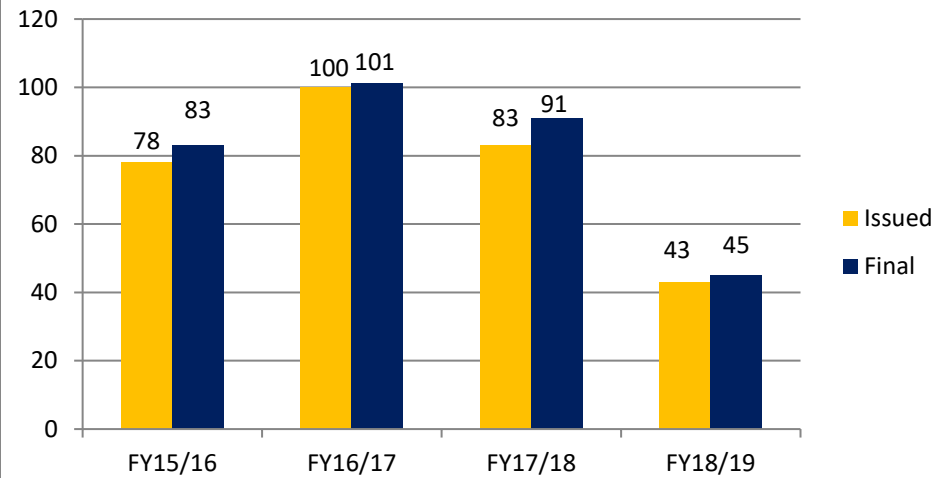
FDA = Referred for Formal Disciplinary Action

## Citations (Informal Enforcement Actions)

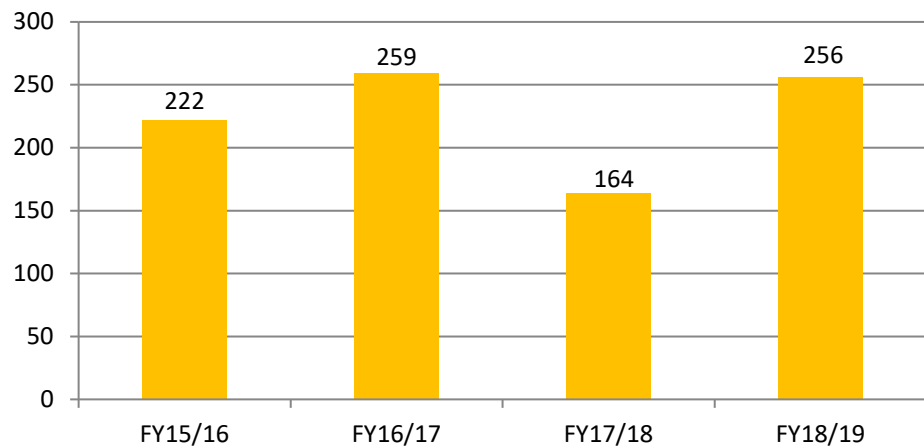
**Number of Complaint Investigations Referred and Number of Citations Issued**



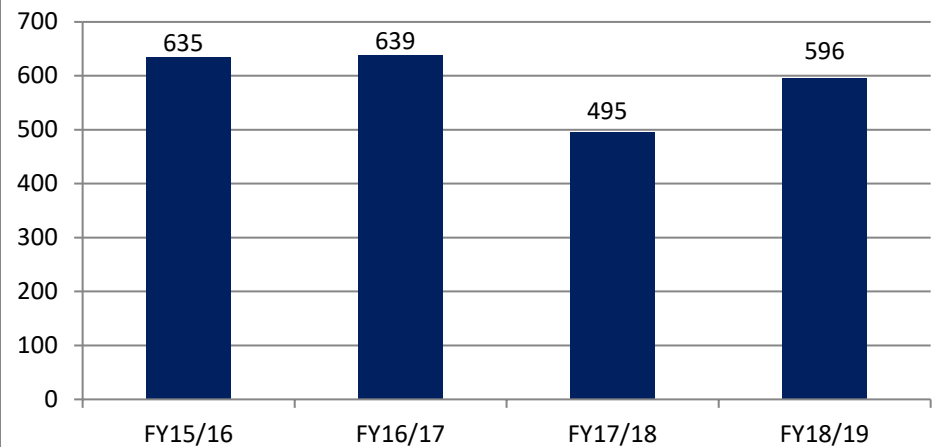
**Number of Citations Issued and Final**



**Average Days Between Date of Issuance of Citation and Date Citation Becomes Final**

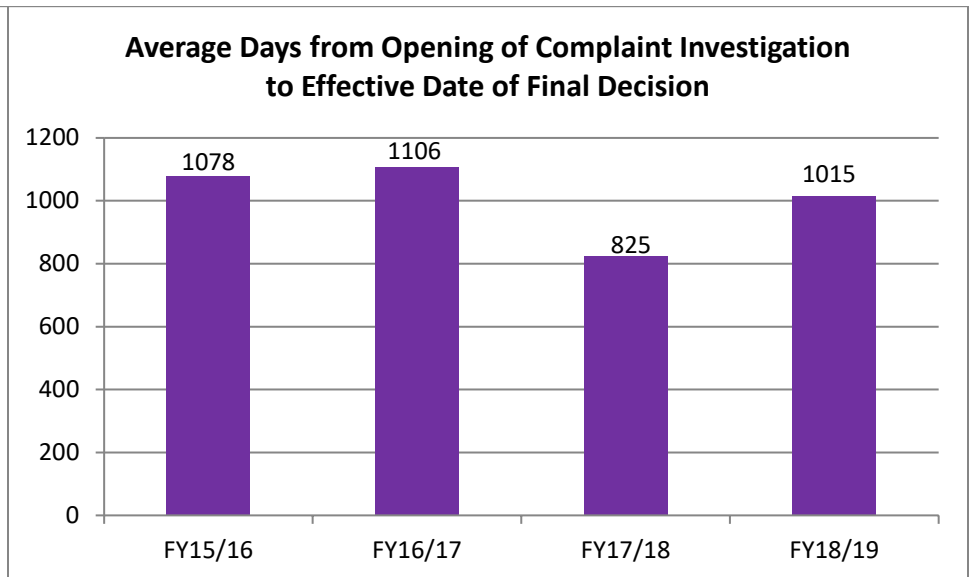
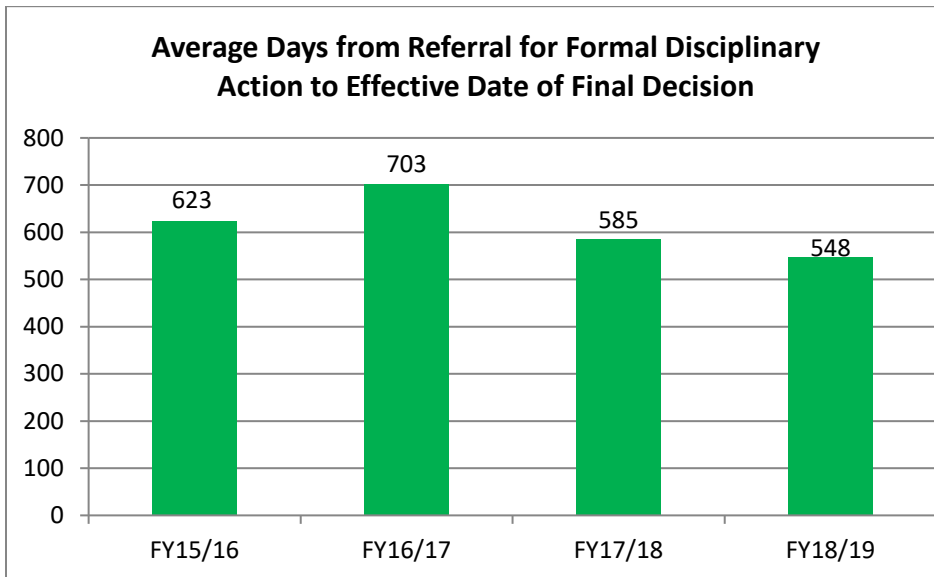
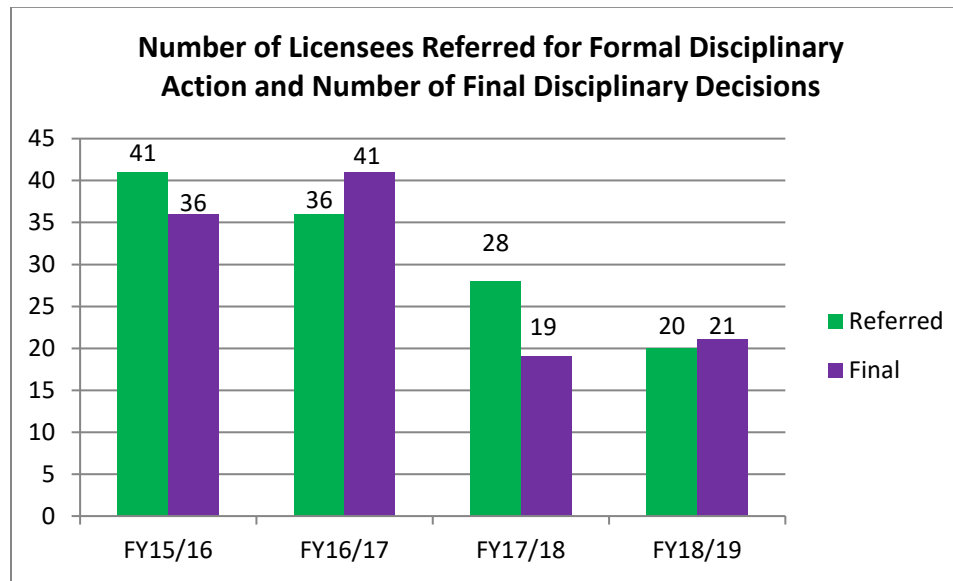


**Average Days from Opening of Complaint Investigation to Date Citation Becomes Final**



NOTE: FY18/19 statistics are through January 31, 2019

## Formal Disciplinary Actions Against Licensees



NOTE: FY18/19 statistics are through January 31, 2019

## **IX. Exams/Licensing**

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- A. Examination Results for All 2018 Examinations
- B. Status of Occupational Analyses for all California State Examinations
- C. Adoption of Test Plan Specifications
  - 1. Professional Geophysicist Examination (PGp) (Possible Action)
  - 2. California State Examination (CSE) – State Requirement for Professional Geologist License (Possible Action)
- D. Presentation by Prometric, LLC
  - 1. Alternate Item Types for California State Examinations
  - 2. Surpass - Item Development and Maintenance Software for California Examination Items



# 2018 California State Civil Examination Results

## Civil Engineer – Second Quarter 2018

### Civil Engineer – Seismic Principles

	Total Number of Candidates	Number Passed	Pass %
April	293	184	63%
May	385	169	44%
June	663	203	31%
<b>Total</b>	<b>1,341</b>	<b>556</b>	<b>42%</b>

### Civil Engineer – Engineering Surveying

	Total Number of Candidates	Number Passed	Pass %
April	262	126	48%
May	352	155	44%
June	640	204	32%
<b>Total</b>	<b>1,254</b>	<b>485</b>	<b>39%</b>

## Civil Engineer – Third Quarter 2018

### Civil Engineer – Seismic Principles

	Total Number of Candidates	Number Passed	Pass %
July	78	46	59%
August	148	76	49%
September	287	107	37%
<b>Total</b>	<b>513</b>	<b>225</b>	<b>44%</b>

### Civil Engineer – Engineering Surveying

	Total Number of Candidates	Number Passed	Pass %
July	92	50	54%
August	145	65	45%
September	276	109	40%
<b>Total</b>	<b>513</b>	<b>224</b>	<b>44%</b>

## Civil Engineer – Fourth Quarter 2018

### Civil Engineer – Seismic Principles

	Total Number of Candidates	Number Passed	Pass %
October	136	79	58%
November	223	113	51%
December	443	155	35%
<b>Total</b>	<b>802</b>	<b>347</b>	<b>43%</b>

### Civil Engineer – Engineering Surveying

	Total Number of Candidates	Number Passed	Pass %
October	149	91	61%
November	195	99	51%
December	495	193	39%
<b>Total</b>	<b>839</b>	<b>383</b>	<b>46%</b>



# Spring 2018 Examination Results

## Geotechnical Engineer – Spring 2018 Land Surveyor – Spring 2018

### California Land Surveyor

	Total Number of Candidates	Number Passed	Pass %
April	129	30	23%

### Geotechnical Engineer

	Total Number of Candidates	Number Passed	Pass %
May	39	13	33%

## ASBOG® Fundamentals of Geology (FG) ASBOG® Practice of Geology (PG) California State Specific (CSE)

	Total Number of Candidates	Number Passed	Pass %
Fundamentals of Geology	105	75	71%
Practice of Geology	61	45	74%
California State Specific	102	47	46%

# Fall 2018 Examination Results

## Geotechnical Engineer – Spring 2018 Land Surveyor – Spring 2018

### California Land Surveyor

	Total Number of Candidates	Number Passed	Pass %
October	93	25	27%

### Geotechnical Engineer

	Total Number of Candidates	Number Passed	Pass %
November	35	7	20%

### Traffic Engineer

	Total Number of Candidates	Number Passed	Pass %
October	77	39	51%

## ASBOG® Fundamentals of Geology (FG) ASBOG® Practice of Geology (PG) California State Specific (CSE) Certified Engineering Geologist (CEG) Certified Hydrogeologist (CHG) Professional Geophysicist (PGp)

	Total Number of Candidates	Number Passed	Pass %
Fundamentals of Geology	216	149	69%
Practice of Geology	105	73	70%
California State Specific	137	69	50%
Certified Engineering Geologist	45	24	53%
Certified Hydrogeologist	33	22	67%
Professional Geophysicist	4	1	25%

# 2018 Examination Totals

## 2018 California State Specific Totals

### Civil Engineer – Seismic Principles

	Total Number of Candidates	Number Passed	Pass %
Quarter 1	N/A	N/A	N/A
Quarter 2	1,341	556	42%
Quarter 3	513	225	44%
Quarter 4	802	347	43%
<b>2018 Totals</b>	<b>2,656</b>	<b>1,128</b>	<b>42%</b>

### Civil Engineer – Engineering Surveying

	Total Number of Candidates	Number Passed	Pass %
Quarter 1	N/A	N/A	N/A
Quarter 2	1,254	485	39%
Quarter 3	513	224	44%
Quarter 4	839	383	46%
<b>2018 Totals</b>	<b>2,606</b>	<b>1,092</b>	<b>42%</b>

### Land Surveyor

	Total Number of Candidates	Number Passed	Pass %
Spring	129	30	23%
Fall	93	25	27%
<b>2018 Totals</b>	<b>222</b>	<b>55</b>	<b>25%</b>

### Geotechnical

	Total Number of Candidates	Number Passed	Pass %
Spring	39	13	33%
Fall	35	7	20%
<b>2018 Totals</b>	<b>74</b>	<b>20</b>	<b>27%</b>

### Traffic

	Total Number of Candidates	Number Passed	Pass %
Fall	77	39	51%
<b>2018 Totals</b>	<b>77</b>	<b>39</b>	<b>51%</b>

# 2018 Examination Totals (cont.)

## 2018 Geologist and Geophysicist Totals

### Fundamentals of Geology (FG)

	Total Number of Candidates	Number Passed	Pass %
Spring	105	75	71%
Fall	216	149	69%
<b>2018 Totals</b>	<b>321</b>	<b>224</b>	<b>70%</b>

### Practice of Geology (PG)

	Total Number of Candidates	Number Passed	Pass %
Spring	61	45	74%
Fall	105	73	70%
<b>2018 Totals</b>	<b>166</b>	<b>118</b>	<b>71%</b>

### California Specific Exam (CSE)

	Total Number of Candidates	Number Passed	Pass %
Spring	102	47	46%
Fall	137	69	50%
<b>2018 Totals</b>	<b>239</b>	<b>116</b>	<b>49%</b>

### Certified Engineering Geologist (CEG)

	Total Number of Candidates	Number Passed	Pass %
Fall	45	24	53%
<b>2018 Totals</b>	<b>45</b>	<b>24</b>	<b>53%</b>

### Certified Hydrogeologist (CHG)

	Total Number of Candidates	Number Passed	Pass %
Fall	33	22	67%
<b>2018 Totals</b>	<b>33</b>	<b>22</b>	<b>67%</b>

### Professional Geophysicist (PGp)

	Total Number of Candidates	Number Passed	Pass %
Fall	4	1	25
<b>2018 Totals</b>	<b>4</b>	<b>1</b>	<b>25%</b>

# 2018 National Examination Results

## NCEES Examination Results – Fall 2018

### Pencil and Paper Exams

	California			National		
	Total Tested	Total Passed	Pass %	Total Tested	Total Passed	Pass %
<b>Civil Engineer</b>	4,578	2,082	45%	18,678	9,734	52%
<b>Control Systems</b>	41	23	56%	285	197	69%
<b>Electrical Engineer</b>	430	158	37%	1,911	859	45%
<b>Fire Protection</b>	58	34	59%	241	113	47%
<b>Mechanical Engineer</b>	416	227	55%	2,271	1,409	62%
<b>Metallurgical</b>	12	10	83%	56	37	66%
<b>Petroleum</b>	11	4	36%	242	142	59%
<b>Structural Engineer (Lateral)</b>	115	47	41%	588	207	35%
<b>Structural Engineer (Vertical)</b>	123	34	28%	570	176	31%

### Computer-Based Tests (CBT)

July 2018 – December 2018

	California			National		
	Total Tested	Total Passed	Pass %	Total Tested	Total Passed	Pass %
<b>Fundamentals of Engineering</b>	3,256	1,768	54%	21,371	12,609	59%
<b>Fundamentals of Surveying</b>	115	33	29%	613	232	38%
<b>Chemical</b>	30	23	77%	259	205	79%
<b>Nuclear</b>	1	0	0%	32	18	56%
<b>Practice of Surveying</b>	75	37	49%	332	202	61%

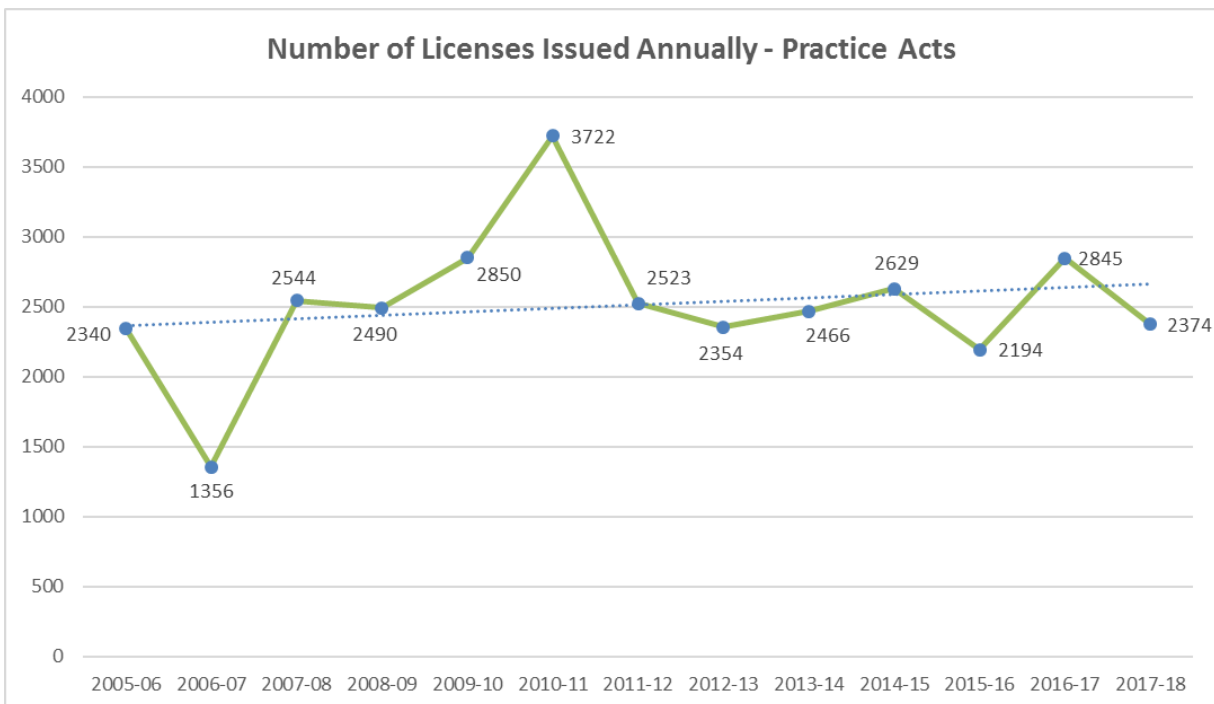
### Item IX.A. Exams/Licensing – Supplemental

Number of licenses issued April 2018 – January 2019:

2213	Total PE
55	Total PLS
159	Total PG (and related)
0	Total PGp
2427	Total Licenses Issued

Number of licenses issued FY 2018-19 (July 2018 – January 2019) to date:

1508	Total PE
29	Total PLS
117	Total PG (and related)
0	Total PGp
1654	Total Licenses Issued
*2493	Projected Total for FY



- FY2017-18 numbers reflect Civil exams not being administered first quarter of 2018.
- Prior to 2018, the bulk of initial PE/PLS applications were received during the months of May and November each year.
- Currently averaging approximately 288 initial PE/PLS applications for FY 2018-19.
- Note: Historical numbers for PG/PGp and related licenses not available prior to Sept 2017 as initial applications and refile applications were not separately tracked prior to that date.

<b>BPELSG Professional Geophysicist Test Plan-2018</b>	
	<b>Percentage of Questions on the Exam</b>
<b>I. Project Planning</b>  <u>Professional Activities:</u> <b>1. Determine applicability of geophysical methods for projects by evaluating targets of interest and project objectives</b> <b>2. Identify the site characteristics that may impact the geophysical investigation (e.g., geology, infrastructure, cultural features, site history)</b> <b>3. Develop conceptual geophysical models</b> <b>4. Select geophysical investigation methods in accordance with site conditions, geology, and equipment in accordance with targets of interest, project objectives, site conditions, and applicable regulations</b> <b>5. Identify the limitations of the planned geophysical approach</b> <b>6. Identify and evaluate environmental hazards, operational hazards, and public safety concerns related to geophysical work</b> <b>7. Identify and apply relevant laws and regulations to geophysical projects</b> <b>8. Develop quality assurance (QA) and quality control (QC) plans and procedures</b>	<b>35%</b>
<b>Test questions on these professional activities may include one or more of the following:</b>	
A. Geophysical investigation methods and their applications	
B. Methods used to estimate geologic and geophysical parameters	
C. Sources of existing geologic, geophysical, and other relevant data	
D. Noise sources that affect geophysical data quality	
E. How site conditions relate to the geophysical project (e.g., geology, infrastructure, terrain, weather, cultural activities)	
F. Geophysical characteristics that differentiate targets from their surroundings	
G. Magnetic measurement methods: applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	
H. Seismic measurement methods (e.g., surface wave analysis, seismic refraction/reflection, ground vibration analysis, seismic tomography): applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	
I. Earthquake seismology: applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	
J. Gravity measurement methods: applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	
K. Electrical measurement methods (e.g., resistivity, spontaneous potential, induced polarization): applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	
L. Electromagnetic measurement methods (e.g., VLF, GPR, TDEM): applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	

M. Heatflow measurement methods: applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	
N. Radiological measurement methods: applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	
O. Borehole geophysical methods (e.g., borehole seismics, electrical, neutron, gamma): applications, limitations, and appropriate quality assurance (QA)/quality control (QC)	
P. Safety risks associated with geophysical methods	
Q. Alquist-Priolo Earthquake Fault Zoning Act	
R. California Building Code related to site classification (Vs30)	
S. Methods for minimizing interference and instrument error when collecting geophysical data	
<b>II. Methods and Data Collection</b>  <u><b>Professional Activities:</b></u> <b>1. Determine the field layout for the data collection</b> <b>2. Document site conditions and data collection parameters</b> <b>3. Initialize, calibrate, and set recording parameters on geophysical instruments</b> <b>4. Verify that geophysical data has been collected in accordance with applicable standards and work plans</b> <b>5. Verify the geophysical data is reasonable and representative</b>	35%
<b>Test questions on these professional activities may include one or more of the following:</b>	
A. Environmental impacts (e.g., geology, infrastructure, terrain, weather, cultural activities) on geophysical data quality	
B. The evaluation of quality control (QC) results for compliance to project requirements	
C. Basic field techniques (e.g., map reading, grid layout, compass use, GPS use) and their applications for geophysical projects	
D. Magnetic instrumentation: set-up, field procedures, acquisition, and documentation	
E. Seismic instrumentation: set-up, field procedures, acquisition, and documentation	
F. Earthquake seismology instrumentation: set-up, field procedures, acquisition, and documentation	
G. Gravity instrumentation: set-up, field procedures, acquisition, and documentation	
H. Electrical instrumentation: set-up, field procedures, acquisition, and documentation	
I. Electromagnetic instrumentation: set-up, field procedures, acquisition, and documentation	
J. Heatflow instrumentation: set-up, field procedures, acquisition, and documentation	
K. Radiological instrumentation: set-up, field procedures, acquisition, and documentation	



L. Borehole instrumentation: set-up, field procedures, acquisition, and documentation	
<b>III. Data Processing, Analysis, Interpretation, and Presentation</b>  <u>Professional Activities:</u> <b>1. Process geophysical data using appropriate techniques</b> <b>2. Analyze geophysical data using appropriate principles</b> <b>3. Interpret geophysical results by integrating other data (e.g., geology, site conditions, aerial photos, historical records) and considering project objectives</b> <b>4. Prepare technical documents to communicate the findings of geophysical projects</b> <b>5. Conduct professional work in compliance with legal standards and requirements</b>	<b>30%</b>
<b>Test questions on these professional activities may include one or more of the following:</b>	
A. Magnetic data: processing, analysis, interpretation, and presentation (e.g., diurnal corrections, filtering, geologic/cultural effects)	
B. Seismic data: processing, analysis, interpretation, and presentation (e.g., normal moveout corrections, velocity analysis, elevation correction)	
C. Earthquake seismology data: processing, analysis, interpretation, and presentation (e.g., filtering, station corrections, magnitude)	
D. Gravity data: processing, analysis, interpretation, and presentation (e.g., terrain, free-air, Bouguer)	
E. Electrical data: processing, analysis, interpretation, and presentation (e.g., electrode array types and spacings)	
F. Electromagnetic data: processing, analysis, interpretation, and presentation (e.g., time domain, frequency domain, skin depth)	
G. Heatflow data: processing, analysis, interpretation, and presentation (e.g., heat flow units, groundwater effects, regional geology)	
H. Radiological data: processing, analysis, interpretation, and presentation (e.g., subtraction of background)	
I. Borehole data: processing, analysis, interpretation, and presentation	
J. Geophysical modeling techniques and their limitations	
K. Methods for evaluating error and uncertainty	



**X. Executive Officer's Report**

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- A. Rulemaking Status Report
- B. Update on Board's Business Modernization/PAL Process
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
  - 1. Nomination for ASBOG Secretary
- F. National Council of Examiners for Engineering and Surveying (NCEES)
- G. Update on Outreach Efforts
- H. Sunset Review (Possible Action)



## Rulemaking Overview

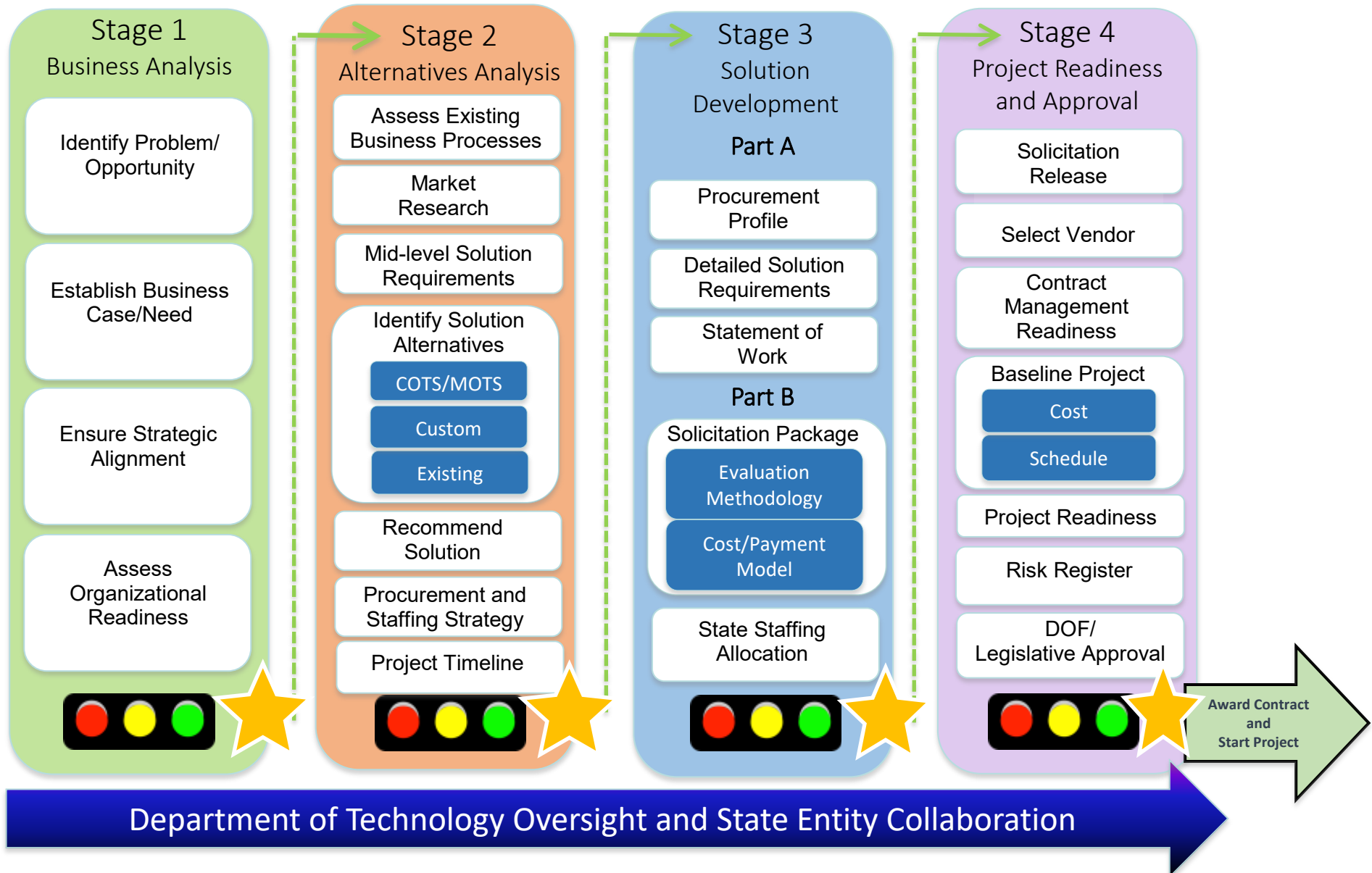
### 1. Geology Education (3022, 3022.1, 3022.2, 3031)

- Developing final rulemaking package to submit to DCA, Legal, and Budget Office.
  - Regulatory hearing occurred on January 22, 2019.
  - 45-day comment period ended on January 14, 2019.
  - Office of Administrative Law (OAL) published rulemaking package on November 30, 2018.
  - Submitted to OAL for publication November 15, 2018.
  - Initial review completed on November 9, 2018.
  - Board approved revised text and directed staff to continue with the rulemaking process on November 1, 2018.

**Note:** Documents related to any rulemaking file listed as “noticed” can be obtained from the Board’s website at [http://www.bpelsg.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsg.ca.gov/about_us/rulemaking.shtml).



# Project Approval Lifecycle Framework



## BPELSG Licensing System Project Timeline

<b>2019</b>
<ul style="list-style-type: none"> <li>Finalized Spring Finance Letter (SFL) for project funding and inclusion in Governor's May [Budget] Revise - January</li> </ul>
<b>2018</b>
<ul style="list-style-type: none"> <li>Submitted Stage 2 Alternatives Analysis (S2AA) to California Department of Technology - December</li> <li>Business, Consumer Services and Housing Agency (Agency) approved S2AA - December</li> <li>Submitted S2AA to Agency - November.</li> <li>Submitted S2AA to DCA Office of Information Services (OIS) – October</li> <li>System demonstrations from various vendors – July through September</li> <li>Completed contract with Business Advantage Consulting (BAC) - July</li> <li>S2AA Kickoff meeting with DCA OIS and CDT - June</li> <li>Received Stage 1 Business Analysis (S1BA) final document from CDT with approval signatures - May</li> <li>Completed mid-level solution requirements draft with BAC vendor - April</li> <li>Market research with other states engineering, land surveying and geology regulatory programs - March</li> <li>BreEZe system demonstration provided by DCA OIS - March</li> <li>S1BA approved by CDT - February</li> <li>Executed contract with BAC - January</li> </ul>
<b>2017</b>
<ul style="list-style-type: none"> <li>Contract awarded to BAC - November</li> <li>S1BA approved by Agency - November</li> <li>DCA OIS submitted Business Modernization Plan (BMP) to Legislature November</li> <li>BMP submitted to Board members - November</li> <li>DCA OIS developing BMP - September</li> <li>Submitted S1BA to DCA OIS, Agency, and CDT - September</li> <li>System demonstrations from various vendors – January through May</li> </ul>
<b>2016</b>
<ul style="list-style-type: none"> <li>Completed contract with Visionary Integration Professionals (VIP) - December</li> <li>Completed stakeholder requirements gathering - November</li> <li>Completed To-Be workshops - October</li> <li>Completed As-Is business process workshops - August</li> <li>Identified business processes directly associated with licensing, regulation, and enforcement - June</li> <li>Executed contract with VIP to conduct a business process improvement study - June</li> </ul>



## NEWS RELEASE

November 29, 2018

Contact: David Cox

Chief Executive Officer

dcox@ncees.org

## NTSB report on gas explosion emphasizes role of engineering licensure in public protection

The release of the National Transportation Safety Board's report, *Natural Gas Distribution System Project Development and Review*, highlights the important protections that licensed professional engineers (P.E.s) provide the U.S. public. In this report, NTSB issued several recommendations concerning professional engineering licensure requirements. With its focus on competency and ethics, licensure is an essential safeguard for the public, and the National Council of Examiners for Engineering and Surveying (NCEES) supports the NTSB recommendations as necessary steps for public protection.

The safety recommendation report was issued on November 14, 2018, in response to a series of explosions and fires on September 13, 2018, in Merrimack Valley, Massachusetts. These explosions and fires followed the release of high-pressure natural gas into a low-pressure gas distribution system. They resulted in damage to 131 structures, including the destruction of at least five homes. One individual was killed, and at least 28 others were injured.

Among other findings, the NTSB report concludes that the gas company would probably have identified the omission of regulator-sensing lines—thereby preventing the error that led to this accident—if the company had performed a comprehensive constructability review that required all departments to review the project plans and had a P.E. approve, or seal, the plans. In sealing such plans, a professional engineer takes responsibility for their accuracy and completeness. The report notes that the company field engineer was not a licensed P.E. and that neither state law nor company policy required a licensed P.E. to develop or review engineering plans for public utilities.

In relation to professional engineering licensure, the NTSB report specifically recommends that Massachusetts eliminate the P.E. license exemption for public utility work and require a P.E. seal on engineering drawings for public utility projects. It further recommends that the gas company revise its engineering plan review process to ensure that a P.E. seals plans before work begins. The NTSB recommendations concerning P.E. licensure requirements are changes that would protect the public, and NCEES hopes that all the proper steps are taken to ensure that these recommendations are addressed.

Massachusetts is not alone in allowing license exemptions for certain groups of engineers. Each U.S. state and territory sets its own licensing laws, and the majority have some type of exemption, including those for engineers working in industrial, manufacturing, public utility, and transportation settings. Some federal agencies also have P.E. license exemptions for federal engineering projects. NCEES encourages other U.S. states, as well as federal agencies, to review this report and consider its recommendations for their own jurisdictions to avoid similar tragedies.

Professional licensing has one purpose: public protection. P.E.s must meet education and experience requirements and pass the required exams to establish that they can practice engineering without endangering the public. To maintain a license, a P.E. must adhere to a strict code of conduct, with the primary charge being to practice the

profession in a manner that protects the health, safety, and welfare of the public. A professional engineer who violates this obligation—either through incompetence or unethical actions—is subject to losing his or her license.

While we cannot go back and prevent what has already happened, we can work to ensure that proper steps are taken to prevent similar accidents. Public utilities is one of the many areas in which professional engineers can be called on to ensure that business activities adequately protect public welfare. As an organization committed to advancing licensure for engineers and surveyors, NCEES and its member licensing boards from all U.S. states and territories continue to focus on the fundamental goal of safeguarding the public. NCEES commends NTSB for taking this position to protect the U.S. public from incompetent or unethical practices.

James J. Purcell, P.E.  
NCEES President

B. David Cox  
NCEES Chief Executive Officer

#### **ABOUT NCEES**

*The National Council of Examiners for Engineering and Surveying is a nonprofit organization made up of engineering and surveying licensing boards from all U.S. states, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Since its founding in 1920, NCEES has been committed to advancing licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the U.S. public.*

*NCEES helps its member licensing boards carry out their duties to regulate the professions of engineering and surveying. It develops best-practice models for state licensure laws and regulations and promotes uniformity among the states. It develops and administers the exams used for engineering and surveying licensure throughout the country. It also provides services to help licensed engineers and surveyors practice their professions in other U.S. states and territories. For more information, please visit [ncees.org](http://ncees.org).*

# BOARD OUTREACH REPORT

## 4<sup>th</sup> Quarter: October - December 2018

### OUTREACH EVENTS

OCTOBER
<b>Oct 9:</b> San Mateo County Surveyor outreach meeting W/Ian Wilson & 40 local surveyors. Ric Moore and Dallas Sweeney
<b>Oct 10:</b> Orange County CLSA Monument Preservation seminar with various local agencies, attendance 50. Ric Moore and Dallas Sweeney
<b>Oct 10:</b> Los Angeles CLSA chapter meeting in Palmdale, attendance 30. Ric Moore and Dallas Sweeney
<b>Oct 10:</b> San Jose State University Presentation to Engineering Dean and 9 Engineering Department Chairs on the value of presentations to their engineering students. Mike Donelson and Brooke Phayer.
<b>Oct 24:</b> Cal State Fresno presentation to 50 civil engineering students. Mike Donelson and Brooke Phayer
<b>Oct 30:</b> ASBOG Administrator's Workshop. Presentation on cooperation between West Coast geology license boards (CA, OR, WA) regarding specialty licenses for geologists. Laurie Racca
NOVEMBER
<b>Nov 9:</b> Cal Poly, San Luis Obispo presentation to 150 mechanical engineering students. Mike Donelson and Brooke Phayer
<b>Nov 14:</b> Cal State Long Beach; standard Geologist in Training (GIT) presentation. Laurie Racca
<b>Nov 26:</b> Sacramento. At the request of California Department of Conservation - Division of Oil, Gas and Geothermal Resources (DOGGR) and the State/Regional Water Resources Control Board, the presentation "Understanding Licensure Requirements in California." Laurie Racca
<b>Nov 28:</b> County Engineers Assoc. of California (CEAC) Transportation Committee meeting in San Diego, discussed how PLS Act applies to site plans and various other rules, attendance 40. Ric Moore and Dallas Sweeney
DECEMBER
<b>Dec 10:</b> Sacramento. Licensing presentation to the Underground Facilities Safe Excavation Board to explain requirements for professional licensure of engineers, land surveyors, geologists, and geophysicists. - Laurie Racca and Dallas Sweeney



## SOCIAL MEDIA & WEBPAGE VIEWS

TOP 5 FACEBOOK POSTS	VIEWS	DATE
The Board updated its cover photo	795	OCT 05
All fall exam results have been released, except Traffic, which will be released soon	763	DEC 12
The materials for the next meeting of the Board are now available on the Board's website	619	OCT 24
The Board published the Geology Education Rulemaking Notice	596	NOV 30
The Official Notice and Agenda for the meeting of the Board Is now available on the Board's website	543	OCT 19

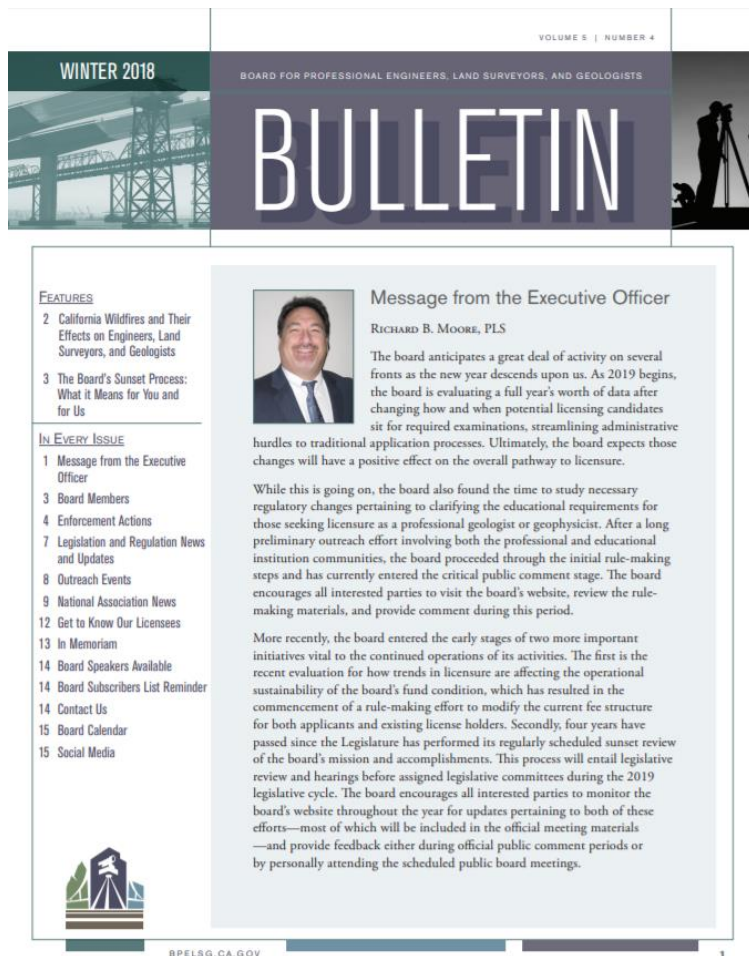
TOP 5 TWITTER 'TWEETS'	VIEWS	DATE
The Official Notice and Agenda for the meeting of the Board Is now available on the Board's website	917	NOV 30
Board published the Geology Education Rulemaking Notice	916	NOV 30
The materials for the next meeting of the Board are now available on the Board's website	633	DEC 13
The Board published its Sunset Review Report	613	NOV 30
All fall exam results have been released, except Traffic, which will be released soon	594	DEC 04

### TOP 5 WEBPAGE HITS

TOP 5 WEBPAGE HITS	HITS
License Lookup	215,147
Board Home Page	118,450
PE Application	77,806
Applicants Information	64,317
Licensee Information	64,225

# PRINTED MATERIAL

## Winter 2018 Bulletin



<https://www.bpelsq.ca.gov/pubs/bulletin.latest.pdf>



# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

## MEMORANDUM

**TO:** Boards, Bureaus, Committees and Programs Scheduled for Sunset Review Oversight Hearings

**FROM:** Senate Committee on Business, Professions and Economic Development  
Assembly Committee on Business and Professions

**DATE:** January 28, 2019

**SUBJECT:** Background Paper, Attendance and Presentation at Sunset Review Oversight Hearings

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The Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions, collectively "the Committees", will hold joint sunset review oversight hearings on February 26 and March 5 in Room 4203 of the State Capitol starting at 9:00 a.m. The Assembly Committee on Arts, Entertainment, Sports, Tourism, and Internet Media will participate in the review of the California State Athletic Commission.

The Committees are the standing committees of the Legislature with oversight jurisdiction over the Department of Consumer Affairs (Department) and all agencies and entities under the Department. The Committees are responsible for reviewing the laws and regulations pertaining to a board and evaluating its programs and policies; determining whether the board operates and enforces its regulatory responsibilities and is carrying out its statutory duties mandated by the Legislature and; examining fiscal management practices and financial relationships with other agencies. Through sunset review, we also evaluate whether entities under the Committees' jurisdiction are meeting key performance measures and targets related to the timeliness of action, enforcement and other necessary efforts to serve the needs of California consumers, while promoting government efficiency and effectiveness.

The following entities are scheduled for review this year, and are listed in order of appearance before the Committees:

**February 26**

**California State Athletic Commission**  
**Board of Barbering and Cosmetology**  
**Bureau of Security and Investigative Services**  
**Board of Accountancy**  
**Contractors State License Board**

**March 5**

**Dental Board of California**

**California Architects Board and Landscape Architects Technical Committee**

**Board for Professional Engineers, Land Surveyors and Geologists**

**Cemetery and Funeral Bureau**

**Court Reporters Board**

**Department of Consumer Affairs**

The following is a tentative outline of the agenda, subject to change, for each entity reviewed:

- A. Board President/Bureau Chief/Program Leadership Presents Short Overview of the Current Regulatory Program (5 minutes)
- B. Response to Issues, Problem Areas, Questions and Staff Recommendations (20 minutes)
- C. Public Comment (15 minutes)
- D. Comment by Professional Individuals, Groups or Associations (15 minutes)
- E. Any Closing Comments by the Board or Bureau (5 minutes)

The Executive Officer should plan to participate in the hearing. In addition to the program leadership (for example, board president) providing introductory overview of the program, you may also include other board or committee members and staff members as needed. Please provide us with those names as soon as possible by contacting Sarah Mason at (916) 651-4104 or [sarah.mason@sen.ca.gov](mailto:sarah.mason@sen.ca.gov)

In providing an overview of your current regulatory program, please be brief. Committee members will have had an opportunity to review your Sunset Review Report prior to the hearing. Please try to limit your overview to **5 minutes** after introductions.

During your overview presentation, you should discuss the history, function and activities of the program and its current composition, who you license, number of licensees, brief description of your budget and any other information you consider relevant to provide an introduction to your board. You should also briefly discuss what major changes have taken place since the last sunset review.

After your introductory presentation, you may then present your response to issues and/or questions raised by the Committee staff. We will provide a listing of these issues and questions no later than February 20 if your hearing is scheduled for February 26, and by February 27 if your hearing is scheduled for March 5. There may be other questions which individual Committee members may pose, but we believe that the list of primary issues that will be provided to you represent the most important topics to be addressed by the board at the hearing.

Approximately two weeks prior to the date of your hearing, we will separately send you the Background Paper which provides background information on the issues staff has raised for each individual board, and, where appropriate, staff recommendations to address those issues. The Background Paper will be given to each member of the Committees in advance of the hearing.

We ask each entity that is being reviewed to notify their interested parties list of the upcoming hearing, and advise them of the hearing time, date and place, as well as the availability of the



Background Paper, which is made public one week prior to the hearing on the Committees' Websites at the following links:

<http://sbp.senate.ca.gov/informationalhearingagendaandbackground>

<http://abp.assembly.ca.gov/jointsunsethearings>

Upon completion of the hearings, you will have 30 days to submit a written response to all of the issues and recommendations raised by Committee staff in the Background Paper or during the hearing.

Certain recommendations may require legislation, which may be included in a "sunset bill" for a particular board, bureau, committee or program. We anticipate that the sunset bills will be heard by the respective Committees sometime in April.

If you have any questions regarding your presentation, or other concerns about the hearing, please contact [sarah.mason@sen.ca.gov](mailto:sarah.mason@sen.ca.gov) at (916) 651-4104. We look forward to your participation in these hearings.



**XI. Technical Advisory Committees (TACs)**

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- A. Assignment of Items to TACs (Possible Action)
- B. Appointment of TAC Members (Possible Action)
- C. Reports from the TACs (Possible Action)



## **XII. President's Report/Board Member Activities**



**XIII. Approval of Meeting Minutes (Possible Action)**

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- A. Approval of the Minutes of the November 1, 2018 and December 13, 2018, Board Meetings





**DRAFT**

**MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND  
SURVEYORS, AND GEOLOGISTS**

Monterey-Salinas Transit  
19 Upper Ragsdale Drive, Boardroom  
Monterey, CA 93940

Thursday, November 1, 2018 at 9:00 a.m.

**November 1, 2018**

<b>Board Members Present:</b>	Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Andrew Hamilton; Coby King; Betsy Mathieson; Jerry Silva; and Steve Wilson
<b>Board Members Absent:</b>	Duane Friel; Kathy Jones Irish; Eric Johnson; Asha Lang; Frank Ruffino; and Robert Stockton
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); and Reza Pejuhesh (Legal Counsel)

**I. Roll Call to Establish a Quorum**

President Qureshi called the meeting to order at 9:01 a.m., and a quorum was established.

**II. Public Comment for Items Not on the Agenda**

Rob McMillan, representing CLSA, thanked the Board for coming to Monterey. Mr. Wilson introduced several members of the public.

**V. Legislation**

**A. Legislative Calendar**

Ms. Eissler reviewed important dates on the Legislative Calendar

**B. Discussion of Legislation for 2018 :**

**AB 767 Master Business License Act.**

Ms. Eissler reported that the Board had a watch position for this bill. This bill evolved over the course of the session and dealt with the GoBiz Information Technology office. The Governor vetoed the bill.

**AB 2138 Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.**

Ms. Eissler reported that the Board opposed this bill. The Governor signed the bill, and DCA is working with the Boards to determine what needs to be done to implement. She reported that there may

be regulation changes presented at the next meeting that the Board will be asked to approve.

### III. Consideration of Rulemaking Proposals

- B. Approval of Rulemaking Proposal to Adopt Title 16, California Code of Regulations sections 3022, 3022.1, and 3022.2 [Professional Geologist and Geophysicist Educational and Experience Requirements and Reference Requirements: Professional Geologist and Professional Geophysicist] and to Amend Title 16, California Code of Regulations 3031 [Examination Credit: Professional Geologist, Professional Geophysicist and Specialty Certification]

<b>MOTION:</b>	Mr. King and Ms. Mathieson moved to approve the revised text and direct staff to continue with the rulemaking process to adopt Title 16, California; Code of Regulations sections 3022, 3022.1, and 3022.2 and to amend 16 CCR 3031.
<b>VOTE:</b>	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton				X	
Steve Wilson	X				

### VIII. Executive Officer's Report

- F. Association of State Boards of Geology (ASBOG)  
Erik Weiland, President of ASBOG and past Chairman of the Arizona Board of Technical Registration, thanked the Board for its support to ASBOG.

Mr. Weiland discussed the upcoming transition to a new psychometrician because their current psychometrician is retiring in 2022. He reported that they are also working toward Computer Based Testing (CBT) and are pleased to have Laurie Racca as Chair of the Examinations Committee to aid in the transition to the new process.

He also advised Arizona has added the category of “Trained Geologist” that can practice geology but cannot sign off on any documents.

Mr. Weiland added that he appreciated the video the Board produced regarding licensure.

Ms. Mathieson reported that Senator Monning gave a welcome speech at the ASBOG annual business meeting.

Mr. Moore noted that Jerry Carter of NCEES also attended the ASBOG meeting. Mr. Weiland expressed his appreciation for the opportunity to collaborate with NCEES.

Mr. Weiland noted that a university in Michigan, which is not a licensure state, administered the Fundamentals of Geology examination to their graduating seniors. They developed an agreement with them to monitor the examination including the test facility. Some universities are using the exam as an exit exam to evaluate their own programs.

#### **IV. Administration**

##### **A. Fiscal Year 2017/18 Budget Summary**

Mr. Alameida reviewed DCA’s Fi\$Cal memo. The intent of the memo is to reiterate that we are currently utilizing the Fi\$Cal system. He noted that there have been reporting issues that have carried over into the current Fiscal Year. There is a limited amount of financial expense and revenue information collected from DCA however, the Board continues to maintain internal financial reports. The Board is waiting for Fiscal Month 13 reports from FY 2017/18 to be finalized.

##### **B. Fiscal Year 2018/19 Budget Status**

Mr. Alameida anticipated providing a summary Fi\$Cal report as discussed at the previous Board meeting however, certain details were missing. It was determined that the best idea was to provide the Board with a fund condition for Fiscal Year 2018-19 and then as Fi\$Cal reports are made available, report back to the Board a summary report of what a Fi\$Cal expenditure report would actually look like in the future.

#### **III. Consideration of Rulemaking Proposals (Cont.)**

##### **A. Approval of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 [Fees]**

Mr. Alameida explained that the Board has not had a regulatory fee change since April and May of 2012. The motivation is to normalize the regulations and make all fees equitable, as the services provided are generally the same.

<b>MOTION:</b>	Mr. King and Mr. Wilson moved to approve the proposed language and direct staff to begin the rulemaking process to amend Title 16, California Code of Regulations sections 407 and 3005.
<b>VOTE:</b>	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton				X	
Steve Wilson	X				

### **VIII. Executive Officer's Report (cont.)**

#### **B. Update on Board's Business Modernization Report**

Mr. Alameida reported that the Board is in Stage II of the Project Approval Lifecycle (PAL) process, which is the Alternatives Analysis. The report was reviewed by Ms. Irish and was submitted to DCA and approved by the Office of Information Services (OIS) and is currently with the Budget Office. Once the Budget Office completes its review, it will be submitted to the California Department of Technology (CDT).

### **VI. Enforcement**

#### **A. Enforcement Statistical Reports**

##### **1. Fiscal Year 2018/19 Update**

Ms. Criswell presented the Enforcement Statistics. Mr. King noted the increase in aging of citations. Ms. Criswell explained that it is still early in the Fiscal Year, and so there have been only a small number of cases; therefore, she is not yet concerned. Currently, there are a few pending citations appeal matters at the Attorney General's Office.

### **VII. Exams/Licensing**

#### **A. Update on 2018 Examinations**

Mr. Moore reported that the national examinations were administered October 26-27, 2018, for engineers and surveyors. The geology examinations were administered October 9-10, 2018. Mr. Moore anticipates a more informative report at the December meeting regarding the results.

### **VIII. Executive Officer's Report**

#### **A. Rulemaking Status Report**

Mr. Moore noted that this item was already discussed during the Consideration of Rulemaking Process.

#### **D. Personnel**

Mr. Moore reported that the Staff Civil Engineer position has been filled by Natalie King. She will start November 30, 2018. Staff member Erin LaPerle accepted a position with the Board's Licensing Unit. Antoinette Parnell has been hired as an Evaluator to backfill Daniel Quanchi's vacancy, as he is now working in the Enforcement Unit.

#### **E. ABET**

Mr. Moore reported that visits are ongoing.

#### **G. National Council of Examiners for Engineering and Surveying (NCEES)**

The Advisory Committee on Council Activities (ACCA) posed a question about proxy voting. Most member board administrators indicated they did not believe their boards would be in favor of it due to justification for travel to the meetings. The Board agreed that it would have similar concerns.

#### **H. Update on Outreach Efforts**

Mr. Moore reviewed the Board's outreach efforts.

#### **C. Review and Approval of the 2018 Sunset Review Report**

Ms. Eissler reviewed the comments made by Board Members and provided recommendations. President Qureshi noted that the Sunset Report will be due to the Legislature by December 1, 2018.

<b>MOTION:</b>	Mr. Wilson and Ms. Alavi move to approve with amendments to the Sunset Review Report as discussed and deliver the report to the Legislature. If there are substantial changes to the report, both Mr. Hamilton and Mr. Wilson will review it and approve the report on behalf of the Board.
<b>VOTE:</b>	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				

Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton				X	
Steve Wilson	X				

Ms. Mathieson suggested organizing a Geology and Geophysicist TAC meeting to get more input and discuss continued licensure for the Professional Geophysicist. Mr. Moore suggested it might be prudent to wait until we receive feedback from the Legislative Committees on the information contained in our Sunset Review Report before scheduling a meeting so that we would know what concerns would need to be addressed.

#### **IX. Technical Advisory Committees (TACs)**

##### **A. Assignment of Items to TACs**

No report given.

##### **B. Appointment of TAC Members**

No report given.

##### **C. Reports from the TACs**

No report given.

#### **X. President's Report/Board Member Activities**

President Qureshi and Ms. Mathieson attended the ASBOG annual business meeting held earlier in the week in Monterey.

#### **XI. Approval of Meeting Minutes**

##### **A. Approval of the Minutes of the September 6, 2018, and October 11, 2018, Board Meetings**

<b>MOTION:</b>	Vice-President Amistad and Mr. Hamilton moved to approve the September minutes.
<b>VOTE:</b>	7-0-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				

Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson			X		
Frank Ruffino				X	
William Silva			X		
Robert Stockton				X	
Steve Wilson	X				

<b>MOTION:</b>	Vice-President Amistad and Mr. Wilson moved to approve the October minutes.
<b>VOTE:</b>	6-0-3, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi			X		
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King			X		
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino				X	
William Silva			X		
Robert Stockton				X	
Steve Wilson	X				

## **XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

- A. December 13-14, 2018, Board Meeting will be held in Riverside at the Department of General Services, 3737 Main Street, Magnolia Room, Riverside, CA 92501
- B. 2019 Board Meeting Schedule  
Upon review of the 2019 Board meeting calendar, the Board moved the February 14-15 dates to February 21-22 and the August 1-2 dates to August 8-9.

It was suggested that Chico and Calabasas would be possible meeting locations. It was also suggested that the June meeting be held in San Diego.

**XIII. Other Items Not Requiring Board Action**

No report given.

**XIV. Closed Session – The Board met in Closed Session to discuss, as needed:**

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
  - 1. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786

4:08 p.m. Andrew Hamilton left the meeting.

**XV. Open Session to Announce the Results of Closed Session**

During Closed Session, the Board took action on eight stipulations and one proposed decision and discussed litigation as noticed.

**XVI. Adjourn**

The meeting adjourned at 4:15 p.m.

**PUBLIC PRESENT**

Kathy Nitayangkul, Polaris Consulting  
Lynn Kovach, Polaris Consulting  
Benjamin Wilson, Monterey Bay Engineers  
Bob DeWitt, ACEC  
Steve Hao, Caltrans  
Rob McMillan, CLSA  
Jim Foley  
Brian Wilson, Monterey Bay Engineers



**DRAFT**

**MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND  
SURVEYORS, AND GEOLOGISTS**

Department of General Services  
3737 Main Street, Magnolia Room  
Riverside, CA 92501

Thursday, December 13, 2018 beginning at 9:00 a.m.

<b>Board Members Present:</b>	Mohammad Qureshi, President; Fel Amistad, Vice President; Alireza Asgari; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Frank Ruffino; Jerry Silva; Robert Stockton; and Steve Wilson
<b>Board Members Absent:</b>	Duane Friel; Andrew Hamilton; and Natalie Alavi
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer; Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dallas Sweeney (Senior Registrar); Reza Pejuhesh (Legal Counsel); and Michael Santiago (Legal Counsel)

**I. Roll Call to Establish a Quorum**

President Qureshi called the meeting to order at 9:01 a.m., and a quorum was established.

**II. Public Comment for Items Not on the Agenda**

Eric Nelson, CE, is employed by a major airport in southern California but represented himself. He believes it is important to create a specialized licensure category specific to airport engineering. He feels strongly about this issue and is willing to take the lead on this effort and understands that the request is complicated and will require legislation.

**VIII. Executive Officer's Report**

**G. Update on Outreach Efforts**

Dallas Sweeney, Senior Registrar Land Surveyor with the Board, reviewed prior Board action regarding Record of Survey requirements. From this action, the Board conducted its first workshop December 12. They discussed the PLS Act and the technical requirements of a Record of Survey and also covered the reviewing aspect. There were approximately 35 individuals from the surveying community who attended. The plan is to have six outreach sessions throughout California. Future possible locations include Burbank, Madera, San Jose, Santa Rosa, and Sacramento.

Mr. Moore added that another outreach session with the Los Angeles Department of Water and Power will be held January 16, 2019, from 10:00 a.m. – noon. Both Michael Donelson, Senior Registrar, and Natalie King, Senior Registrar, will be in attendance to discuss engineering licensure topics.

Coby King arrived at 9:17 a.m.

### **III. Consideration of Rulemaking Proposals**

#### **A. Proposed Amendments to Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria) to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018) (Possible Action)**

Over the past several months, the Board has discussed legislation that the Governor signed that makes changes to what the Board can consider related to criminal convictions to help determine whether or not to deny issuing a license. Based on the changes in statute that will go into effect July 1, 2020, the Board needs to make changes to some of the regulations. Section 416 applies to engineers and land surveyors, and Section 3060 applies to geologists and geophysicists. These regulations define the criteria that the Board must consider in determining whether the crime the person has been convicted of is substantially related to the qualifications, functions, and duties of the profession in which the person is seeking licensure.

Currently, the statute allows the Board to consider crimes or acts. The statute will be changing to indicate that the Board can consider crimes or acts underlying the conviction for that crime. Another provision requires the Board to deem whether a crime is substantially related by considering the nature and gravity of the offense, the number of years elapsed since the date of the offense, and the nature and duties of the profession.

Legal Counsel Michael Santiago explained that the Legal Affairs Division is currently working on a memo that is going to be released to all the boards, bureaus, and programs detailing the recommendations for model language pertaining to not only the substantial relationship criteria regulations but also the criteria for rehabilitation regulations. He suggested that it may help in drafting the notice and the Initial Statement of Reasons (ISR) so that it can be standardized.

Mr. King inquired whether the Board should wait until the model language is released to move forward. Mr. Santiago recommended waiting until the release of the model language.

President Qureshi concurred with Mr. King and Mr. Santiago. He added that the last sentence in 416 (a) needs to be clarified and modify the word “acts” with “underlying acts” or “acts underlying” to mirror the earlier language.

#### **IV. Administration**

##### **A. Fiscal Year 2017/18 Budget Review**

Mr. Moore reported that the Board did not receive any additional information from the DCA Budget Office to include in the Board materials. He is anticipating that a report will be available for the next Board meeting.

##### **B. Fiscal Year 2018/19 Budget Status**

President Qureshi requested an analysis to outline historical trends. Mr. Moore will work with Mr. Alameida to develop one for the next meeting.

#### **V. Legislation**

##### **A. 2019 Legislative Calendar**

Ms. Eissler reviewed the legislative calendar. She reported that the legislature started a new session last week and introduced bills that do not affect the Board.

She also reported that she, Mr. Moore, and Dr. Qureshi attended a meeting with DCA Executive staff and individuals from agency regarding the Board’s Sunset report. She does not foresee the need for any bills separate from the Sunset legislation and does not anticipate that the Board would need to try to find authors for any bills at this time.

#### **VI. Enforcement**

##### **A. Enforcement Statistical Reports**

###### **1. Fiscal Year 2018/19 Update**

Ms. Criswell presented the Enforcement Statistics. She is seeing more delays but also getting cases assigned to new DAGs (Deputy Attorney General).

#### **VII. Exams/Licensing**

##### **A. Update on 2018 Examinations**

Mr. Moore reported that the NCEES results for the Fall 2018 paper-based PE examinations were released November 26. The structural engineering results were released earlier in the week. ASBOG has notified the Board that the national Fundamentals of Geology and the Professional Geologists results are ready to be delivered. The results for the Land Surveyor examination, Geotechnical Engineer examination, both State Civil Engineer examinations, Certified Engineering Geologist examination, Certified Hydrogeologist examination, and Professional Geophysicist examination were recently released. The California Specific Examination for Geologists and the traffic engineer examination results are expected to be released next week. Mr. Kereszt is expected to provide a full report at the next meeting.

## **VIII. Executive Officer's Report (Cont.)**

### **A. Rulemaking Status Report**

Ms. Eissler reported that the geology education regulations have been officially noticed for public comment. The 45-day public comment period ends January 14, 2019, followed by a public hearing to provide oral testimony as well as written comments. She anticipates that the summary of comments and recommendations will be presented at the February meeting.

### **B. Update on Board's Business Modernization/PAL Process**

Mr. Moore reported that Stage II Project Approval Lifecycle (PAL) document was delivered to DCA and has progressed to Agency. It is anticipated that it will proceed to the California Department of Technology. Several other boards and bureaus are close to completing their Stage II documents and have indicated interest in a similar software platform.

### **C. Personnel**

Staff Civil Engineering Registrar Natalie King started working for the Board this month. Ms. Irish suggested meeting Board staff at a future Board meeting.

### **D. ABET**

Mr. Stockton visited a school he had visited approximately six years ago. He added that upon reviewing transcripts, there was an anomaly between transfer students from junior colleges and how their courses were being reviewed and accepted.

Dr. Asgari also visited another university where they emphasized preparing their students for real world problems.

Mr. Ruffino reported on his visit and noted that he enjoyed his experience and felt very good about it. He went on to encourage others to attend.

### **E. Association of State Boards of Geology (ASBOG)**

Ms. Mathieson attended the ASBOG examination development session in Monterey.

## **II. Public Comment for Items Not on the Agenda (Cont.)**

Humberto Gallegos representing East Los Angeles College reported that they received a generous grant from the National Science Foundation (NSF) for their land surveying program and requested the Board's assistance in achieving their goals. Their objectives include to offer a career pathway to land surveying, host land surveying computer aid design events at the high school level, enhance the geospatial program at East LA College by developing manuals for software technology, and help candidates prepare and pass the Fundamentals of Surveying and Professional Land Surveying examinations.

Mr. Moore reported that he and Mr. Sweeney are prepared to discuss the matter with Mr. Gallegos to see what the Board can do to help.

## VIII. Executive Officer's Report (Cont.)

### F. National Council of Examiners for Engineering and Surveying (NCEES)

Mr. Moore received notification from NCEES requesting whom the Board will designate as funded delegates for the NCEES Western Zone meeting, May 16-18 in Boise, ID. He sent an email to all Board Members in an effort to see who is interested. There are three funded delegate positions for Board Members and Staff. He advised those who are interested to please let him know within the next couple of weeks. He indicated that he has heard from Ms. Eissler, Mr. Alireza, and Ms. Irish. President Qureshi has requested to go as he is seeking to run for office for the Western Zone. Ms. Irish and Mr. Wilson indicated that they would step back in an effort to allow a new member the opportunity to attend as they have attended NCEES functions in the past.

Mr. Moore reported that NCEES provided member boards with a statement pertaining to a pipeline disaster that occurred in Massachusetts and a subsequent oversight report recommending that Massachusetts remove the industrial exemption for licensing individuals employed by large public utilities. He expects this to be a topic of discussion at the NCEES meetings. He will forward any more information he receives.

#### 1. Nomination for Western Zone Secretary/Treasurer (Possible Action)

<b>MOTION:</b>	Mr. Stockton and Ms. Lang moved to nominate Mr. Moore as NCEES Western Zone Secretary/Treasurer.
<b>VOTE:</b>	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi				X	
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton				X	
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Frank Ruffino	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

Vice-President Amistad will sign the letter on behalf of the Board.

H. **Review of Procedures for Voting at Board and Committee Meetings**

Mr. Moore believes the voting requirements for open meetings are primarily intended to assist the public with clearly ascertaining how each member voted and explained that voting by roll call is the clearest way to indicate who voted and how. While it may appear clear to those present, it may be problematic to those individuals that regularly request audio recording of the Board meetings. Mr. Moore indicated that by continuing with the current process, it not only ensures consistency but that each member has indicated actual participation in the subject. Mr. Pejuhesh explained that the legal requirement is that you have to report publicly how each member voted. There are indeed multiple methods of voting; however, the clearest method is by roll call.

Mr. King clarified his statement by saying that his concern was on a series of routine votes. Where it was clearly unanimous, the Board president would start by asking for abstentions or objections, if there were abstentions or objections, then a roll call would be required. If there were none, all those in favor would say, "aye". After much discussion, it was determined that the Board would continue to vote by roll call.

IX. **Technical Advisory Committees (TACs)**

A. **Assignment of Items to TACs (Possible Action)**

No report given.

B. **Appointment of TAC Members (Possible Action)**

No report given.

C. **Reports from the TACs (Possible Action)**

No report given.

X. **President's Report/Board Member Activities**

President Qureshi reported on the meeting with Agency and DCA regarding the Board's Sunset review.

Mr. Ruffino reported he attended the inauguration activities for the Governor-elect. He also reported that there will be a reception for Governor appointees next week.

XI. **Approval of Meeting Minutes (Possible Action)**

A. **Approval of the Minutes of the November 1, 2018, Board Meeting**

There was a need for clarification on Items III. A and IV. B. Therefore, the November minutes will need to be brought back for approval at the February meeting.

XII. **2019 Board Meeting Schedule (Possible Action)**

The June 6-7 meeting was moved to June 13-14.

XIII. **Discussion Regarding Proposed Agenda Items for Next Board Meeting**

No report given.

**XIV. Discussion Regarding Recitation of the Pledge of Allegiance at Board Meetings (Possible Action)**

Mr. Ruffino indicated that he feels strongly about reciting the Pledge of Allegiance at each Board meeting. Mr. Wilson and Mr. Stockton would support it if a flag were present. Mr. Ruffino suggested requesting a flag. Ms. Irish inquired whether the Board is required to recite the Pledge of Allegiance and if the Oath of Office serves as a testament of allegiance to the State and US Constitutions. Mr. Santiago explained that there is no requirement and the Oath of Office includes the laws of the constitution and the laws of the Board. In that respect, it is separate from the issue of reciting the Pledge. He only knows of a couple of boards that recite the Pledge and when circumstances dictate there is no flag you can logistically say the Pledge of Allegiance. It would need to be noticed on the Official Notice and Agenda.

Ms. Irish expressed that in respect to each member's vote, she would like to ensure that it does not create any divisiveness among Board members.

<b>MOTION:</b>	Mr. Ruffino and Vice-President Amistad move to begin all Board meetings with recital of Pledge of Allegiance.
<b>VOTE:</b>	8-0-4, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi				X	
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton				X	
Kathy Jones Irish			X		
Eric Johnson	X				
Coby King	X				
Asha Lang			X		
Betsy Mathieson			X		
Frank Ruffino	X				
William Silva	X				
Robert Stockton			X		
Steve Wilson	X				

**II. Public Comment for Items Not on the Agenda (Cont.)**

Mariam Madjlessi, PE, representing CALBO (California Building Officials), presented the Board with a letter from Jeff Janes, President of CALBO, in which they offered their services and an opportunity to collaborate with the Board.

**XV. Closed Session – The Board will meet in Closed Session to discuss, as needed:**

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
  - 1. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786

**II. Public Comment for Items Not on the Agenda (cont.)**

Senator Roth stopped by the Board meeting and offered his support.

**XVI. Open Session to Announce the Results of Closed Session**

During Closed Session, the Board took action on two stipulations, one Default Decision, and two Proposed Decisions, and discussed litigation as noticed.

**XVII. Adjourn**

The Board adjourned at 2:11 p.m.

**PUBLIC PRESENT**

Rob McMillan, CLSA  
Eric Nelson  
Bob DeWitt, ACEC-CA



**XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting**



**XV. Closed Session – The Board will meet in Closed Session to discuss, as needed:**

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- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
  - 1. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786



**XVI. Open Session to Announce the Results of Closed Session**



## XVII. Adjourn